

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

Electronically Filed
Feb 13 2020 10:47 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME I PAGES 001-289

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

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

Counsel for Respondent

INDEX
LEONARD RAY WOODS
Case No. 78816

PAGE NO.

Amended Criminal Complaint filed 08/25/15	2-5
Amended Information filed 03/25/19	494-496
Amended Jury List filed 03/25/19	531
Court's Exhibit #3 Dated 03/20/19	2160
Court's Exhibit #4 Dated 03/20/19	2161
Criminal Complaint filed 08/07/15	1
Defendant's Notice of Witnesses filed 10/24/18	437-438
District Court Minutes from 10/06/15 through 06/13/19	567-638
Information filed 10/06/15	61-65
Instructions to the Jury filed 03/25/19	497-530
Instructions to the Jury filed 03/26/19	532-547
Instructions to the Jury filed 03/27/19	550-561
Introduction of Evidence filed 11/01/18	472-473
Judgment of Conviction (Jury Trial) filed 05/17/19	564-565
Judicial Notice of My Consent Decree Settlement filed 09/26/18	318-325
Jury List filed 03/19/19	491
Justice Court Minutes from 08/07/15 through 10/02/15	10-14
Media Request and Order Allowing Camera Access to Court Proceedings filed 10/09/15	66-69
Motion for Bail Hearing filed 10/24/18	443-445
Motion for Continuance filed 11/07/18	474-475
Motion for Discovery filed 09/12/18	293-298
Motion for Evidentiary Hearing filed 11/01/18	464-466
Motion to Clarify Ruling filed 11/01/18	461-463
Motion to Compel Production of Discovery filed 03/15/16 Date of Hrg: 03/29/16	181-203

1	Motion to Continue Trial Date filed 12/08/15	
2	Date of Hrg: 12/17/15.....	70-73
3	Motion to Continue Trial Date filed 03/16/16	
4	Date of Hrg: 03/22/16.....	204-207
5	Motion to Dismiss and Appointment of Alternate Counsel filed 06/29/16	
6	Date of Hrg: 07/21/16.....	238-243
7	Motion to Dismiss and Appointment of Alternate Counsel filed 11/21/16.....	244-252
8	Motion to Dismiss and Appointment of Alternate Counsel filed 10/25/17	
9	Date of Hrg: 11/16/17.....	261-269
10	Motion to Dismiss Counts 2-7 filed 10/24/18	439-442
11	Motion to Dismiss Murder Charge filed 10/10/18	410-419
12	Motion to Dismiss Open and Gross Lewdness Charge filed 11/01/18.....	467-471
13	Motion to Dismiss Open Murder Charge filed 03/07/19.....	476-478
14	Motion to Dismiss the Charges of Ownership or Possession of Firearm by Prohibited Person filed 09/26/18.....	364-369
15	Motion to Proceed as Attorney-In-Fact of Record filed 09/12/18.....	290-292
16	Motion to Review Officer Files filed 10/10/18	420-423
17	Motion to Sever filed 09/12/18.....	299-309
18	Motion to Suppress Arrest filed 09/26/18	370-377
19	Motion to Suppress Contents of Search of Cell Phone filed 09/26/18.....	326-363
20	Motion to Suppress Statements for Fifth Amendment Violation filed 03/15/16	
21	Date of Hrg: 03/31/16.....	96-180
22	Notice of Appeal filed 05/15/19	563
23	Notice of Witnesses and/or Expert Witnesses filed 12/10/15	74-92
24	Order Authorizing Standby Counsel to Bring Digitally-Stored Case Materials Into the Clark County Detention Center filed 09/12/18	311-312
25	Order Authorizing Standby Counsel to Provide Writing Materials to Pro Per Defendant Leonard Woods filed 09/12/18	315-316
26	Order for Production of Inmate filed 03/27/19.....	562
27	Order Granting and Denying Defendant's Pro Per Motions filed 10/25/18	
28	Date of Hrg: 10/10/18.....	446-448
	Order Permitting Release of Sealed Transcript to Defendant filed 07/30/19	566

1	Order to File Declaration of Counsel Under Seal filed 09/12/18	310
2	Order to File Declaration of Counsel Under Seal filed 09/12/18	317
3	Order to File Ex Parte Order Under Seal filed 09/12/18	313
4	Order to File Ex Parte Order Under Seal filed 09/12/18	314
5	Petition for Writ of Mandamus filed 11/21/16	253-260
6	Pro Per Motion to Proceed Pro Se filed 08/21/18	
7	Date of Hrg: 09/11/18	283-289
8	Request to File Ex Parte Application and	
9	Order for Transport Under Seal filed 10/11/18	425
10	Request to File Order to Transport Leonard Woods to the Clark County	
11	Office of the Public Defender Under Seal filed 10/11/18	424
12	Second Amended Criminal Complaint filed 10/02/15	6-9
13	State's Amended Notice of Witnesses filed 12/20/17	270-274
14	State's Objection to Certain Items of Evidence of Testimony Which	
15	May Be Offered by the Defendant filed 03/15/19	482-485
16	State's Opposition to Defendant's Motion for Discovery filed 10/01/18	
17	Date of Hrg: 10/10/18	393-395
18	State's Opposition to Defendant's Motion to Dismiss Counts 2-7 filed 10/31/18	
19	Date of Hrg: 11/01/18	449-460
20	State's Opposition to Defendant's Motion to	
21	Dismiss Murder Charge filed 10/17/18	
22	Date of Hrg: 10/18/18	432-436
23	State's Opposition to Defendant's Motion to Dismiss	
24	Open Murder Charge filed 03/14/19	
25	Date of Hrg: 03/18/19	479-481
26	State's Opposition to Defendant's Motion to Dismiss the Charges of	
27	Ownership of Possession of Firearm by Prohibited Person filed 10/01/18	
28	Date of Hrg: 10/10/18	396-398
	State's Opposition to Defendant's Motion to Review Officer's Files filed 10/17/18	
	Date of Hrg: 10/18/18	426-431
	State's Opposition to Defendant's Motion to Sever filed 10/02/18	
	Date of Hrg: 10/10/18	399-409
	State's Opposition to Defendant's Motion to Suppress	
	Contents of Search of Cell Phone filed 10/03/18	
	Date of Hrg: 10/10/18	409A-409E

1	State's Opposition to Defendant's Motion to Suppress Arrest filed 10/01/18	
2	Date of Hrg: 10/10/18.....	378-392
3	State's Opposition to Defendant's Motion to Suppress	
4	Statements for Fifth Amendment Violation filed 05/05/16	
5	Date of Hrg: 05/12/16.....	208-221
6	State's Response to Defendant's Motion to Compel Discovery filed 05/11/16	
7	Date of Hrg: 05/12/16.....	222-237
8	State's Response to Defendant's Motion to Continue Trial Date filed 12/15/15	
9	Date of Hrg: 12/17/15.....	93-95
10	State's Second Amended Notice of Witnesses filed 03/18/19	486-490
11	Stipulation and Order to Unseal Transcript filed 02/11/20	2137-2140
12	Supplemental Notice of Expert Witnesses filed 12/29/17.....	275-282
13	Verdict filed 03/25/19.....	492-493
14	Verdict filed 03/26/19.....	548
15	Verdict filed 03/27/19.....	549

TRANSCRIPTS

16	Recorder's Transcript	
17	JURY TRIAL DAY 1	
18	Date of Hrg: 03/18/19.....	1035-1237
19	Recorder's Transcript	
20	JURY TRIAL DAY 2	
21	Date of Hrg: 03/19/19.....	1238-1401
22	Recorder's Transcript	
23	JURY TRIAL DAY 3	
24	Date of Hrg: 03/20/19.....	1402-1549
25	Recorder's Transcript	
26	JURY TRIAL DAY 4	
27	Date of Hrg: 03/21/19.....	1550-1697
28	Recorder's Transcript	
	JURY TRIAL DAY 5	
	Date of Hrg: 03/22/19.....	1698-1884
	Recorder's Transcript	
	JURY TRIAL DAY 6	
	Date of Hrg: 03/25/19.....	1885-1978

1	Recorder's Transcript	
2	JURY TRIAL DAY 7	
	Date of Hrg: 03/26/19.....	1979-2105
3	Recorder's Transcript	
4	JURY TRIAL DAY 8	
	Date of Hrg: 03/27/19.....	2106-2125
5	Recorder's Transcript	
6	All Pending Motions	
	Date of Hrg: 01/17/17.....	721-721f
7	Recorder's Transcript	
8	All Pending Motions	
	Date of Hrg: 10/10/18.....	895-939
9	Recorder's Transcript	
10	Calendar Call	
	Date of Hrg: 03/07/19.....	1020-1034
11	Recorder's Transcript	
12	Calendar Call; Defendant's Motion to Continue Trial Date	
	Date of Hrg: 12/17/15.....	648-669
13	Recorder's Transcript	
14	Calendar Call; Defendant's Motion to Continue Trial Date	
	Date of Hrg: 03/22/16.....	670-673
15	Recorder's Transcript	
16	Defendant's Motion to Compel Production of Discovery; Defendant's Motion to Suppress Statements for Fifth Amendment Violation; Status Check: Reset Trial Date	
	Date of Hrg: 05/12/16.....	674-692
17	Recorder's Transcript	
18	Defendant's Motion to Dismiss Counsel and Appointment of Alternate Counsel	
	Date of Hrg: 07/21/16.....	2141-2159
19	Recorder's Transcript	
20	Defendant's Pro Per Motion to Dismiss Counsel and Appointment of Alternate Counsel	
21	Date of Hrg: 12/13/16.....	696-699
22	Recorder's Transcript	
23	Defendant's Pro Per Motion to Dismiss Counsel and Appointment of Alternate Counsel	
	Date of Hrg: 11/15/17.....	723-772
24	Recorder's Transcript	
25	Defendant's Pro Per Motion to Dismiss Counts 2-7;	
26	Defendant's Pro Per Motion for Bail Hearing	
	Date of Hrg: 11/01/18.....	971-973

1	Recorder's Transcript	
2	Defendant's Pro Per Motion to Dismiss Counts 2-7; Defendant's Pro Per	
3	Motion for Bail Hearing; Motion for Evidentiary Hearing; Motion to	
	Clarify Ruling; Calendar Call	
3	Date of Hrg: 11/05/18.....	974-1008
4	Recorder's Transcript	
5	Defendant's Pro Per Motion to Dismiss Murder Charge;	
5	Defendant's Pro Per Motion to Review Officer's Files	
6	Date of Hrg: 10/24/18.....	959-970
6	Recorder's Transcript	
7	Defendant's Pro Per Motion to Suppress Contents of Search of	
8	Cell Phone; Defendant's Pro Per Motion to Dismiss Murder Charge;	
8	Defendant's Pro per Motion to Review Officer's Files	
9	Date of Hrg: 10/18/18.....	940-958
9	Recorder's Transcript	
10	Faretta Canvass	
11	Date of Hrg: 07/28/16.....	693-695
11	Recorder's Transcript	
12	Faretta Canvass	
13	Date of Hrg: 12/20/16.....	700-720
13	Recorder's Transcript	
14	Faretta Canvass	
15	Date of Hrg: 08/29/18.....	817-861
15	Recorder's Transcript	
16	Initial Arraignment	
17	Date of Hrg: 10/06/15.....	639-642
17	Recorder's Transcript	
18	Motion to Continue Trial; Calendar Call	
19	Date of Hrg: 11/07/18.....	1009-1011
19	Recorder's Transcript	
20	Sentencing	
21	Date of Hrg: 05/15/19.....	2126-2136
21	Recorder's Transcript	
22	Status Check: Reset Trial Date	
23	Date of Hrg: 02/09/17.....	707-710
23	Recorder's Transcript	
24	Status Check: Trial Readiness	
25	Date of Hrg: 09/27/17.....	721g-721i
25	Recorder's Transcript	
26	Status Check: Trial Readiness	
27	Date of Hrg: 10/04/17.....	721j-721m
27		
28		

1	Recorder's Transcript	
2	Status Check: Trial Readiness	
2	Date of Hrg: 11/08/17	721n-722
3	Recorder's Transcript	
4	Status Check: Trial Readiness	
4	Date of Hrg: 12/13/17	773-776
5	Recorder's Transcript	
6	Status Check: Trial Readiness	
6	Date of Hrg: 01/10/18	777-785
7	Recorder's Transcript	
8	Status Check: Trial Readiness	
8	Date of Hrg: 02/07/18	786-788
9	Recorder's Transcript	
10	Status Check: Trial Readiness	
10	Date of Hrg: 03/07/18	789-795
11	Recorder's Transcript	
11	Status Check: Trial Readiness	
12	Date of Hrg: 06/20/18	796-799
13	Recorder's Transcript	
13	Status Check: Trial Readiness	
14	Date of Hrg: 07/18/18	800-810
15	Recorder's Transcript	
15	Status Check: Trial Readiness	
16	Date of Hrg: 08/01/18	811-812
17	Recorder's Transcript	
17	Status Check: Trial Readiness	
18	Date of Hrg: 08/15/18	813-816
19	Recorder's Transcript	
19	Status Check: Trial Readiness	
20	Date of Hrg: 09/12/18	862-880
21	Recorder's Transcript	
21	Status Check: Trial Readiness	
22	Date of Hrg: 09/26/18	881-894
23	Recorder's Transcript	
23	Status Check: Trial Readiness	
24	Date of Hrg: 01/09/19	1012-1015
25	Recorder's Transcript	
25	Status Check: Trial Readiness	
26	Date of Hrg: 02/06/19	1016-1019
27	Recorder's Transcript	
27	Trial Setting	
28	Date of Hrg: 10/20/15	643-647

1	Reporter's Transcript	
2	Waiver of Preliminary Hearing	
3	Date of Hrg: 10/02/15	55-60

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

1 JUSTICE COURT, LAS VEGAS TOWNSHIP
2 CLARK COUNTY, NEVADA

3 AUG 7 8 54 AM '15

4 THE STATE OF NEVADA,

5 Plaintiff,

6 -vs-

7 LEONARD RAY WOODS #1901705,

8 Defendant.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CASE NO: 15F11579X

DEPT NO: 3

CRIMINAL COMPLAINT

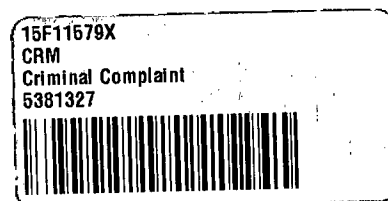
The Defendant above named having committed the crime of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001), in the manner following, to-wit: That the said Defendant, on or about the 5th day of August, 2015, at and within the County of Clark, State of Nevada, did willfully, unlawfully, feloniously and with malice aforethought, kill JOSIE JONES, a human being, with use of a deadly weapon, to-wit: a knife, by stabbing at and into the body of the said JOSIE JONES with said knife, the said killing having been willful, deliberate and premeditated.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

08/06/15

M. Carroll

15F11579X/cas
LVMPD EV# 1508053825
(TK3)



ORIGINAL

FILED IN OPEN
COURT ON

3-26-15
W. J.
Court Clerk

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD RAY WOODS
#1901705,

Defendant.

CASE NO: 15F11579X

DEPT NO: 10

AMENDED

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of **MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A RECORDING DEVICE (Gross Misdemeanor - NRS 200.603 - NOC 50350); CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER PERSON (Gross Misdemeanor - NRS 200.604 - NOC 54958); OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971); and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, on or between the 9th day of March, 2015, and the 5th day of August, 2015, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 – MURDER WITH USE OF A DEADLY WEAPON

did, on or about the 5th day of August, 2015, then and there wilfully, feloniously, without authority of law, and with malice aforethought, kill JOSIE JONES, a human being, with use of a deadly weapon, to-wit: by stabbing at and into the body of JOSIE JONES with a deadly weapon, to-wit: a knife and/or a sharp object capable of stabbing at and into the body of JOSIE JONES, the actions of Defendant resulting in the death of the said JOSIE JONES. The Defendant being responsible under one or more of the following principles of criminal

///

15F11579X
ACRM
Amended Criminal Complaint
5466639



WA2015F11579\15F11579-ACOM-001.DOCX

liability, to wit: (1) the willful, deliberate and premeditated killing; and/or (2) committed by Defendant lying in wait to commit the killing of said JOSIE JONES.

COUNT 2 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

did, on or about the 9th day of March, 2015, willfully, unlawfully, and knowingly enter upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located at 5055 West Hacienda #1003, Las Vegas, Clark County, Nevada, with the intent to surreptitiously conceal himself on the property or premises and peer, peep or spy through a window, door or other opening of a building or structure that is used as a dwelling on the property or premises while in possession of a camera, or other device capable of recording images or sound, by spying through a bathroom window and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

COUNT 3 – CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER
PERSON

did, on or about the 9th day of March, 2015, willfully, unlawfully, knowingly, and intentionally capture an image of the private area of another person, to-wit: breasts and/or body of DIVINA LEAL, a fifteen year-old girl, without her consent and under circumstances in which DIVINA LEAL had a reasonable expectation of privacy.

COUNT 4 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

did, on or about the 10th day of March, 2015, willfully, unlawfully, and knowingly enter upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located at 5055 West Hacienda #1003, Las Vegas, Clark County, Nevada, with the intent to surreptitiously conceal himself on the property or premises and peer, peep or spy through a window, door or other opening of a building or structure that is used as a dwelling on the property or premises while in possession of a camera, or other device capable of recording images or sound, by spying through a bathroom window and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

1 COUNT 5 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
2 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

3 did, on or about the 23rd day of March, 2015, willfully, unlawfully, and knowingly
4 enter upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located at 5055
5 West Hacienda #1003, Las Vegas, Clark County, Nevada, with the intent to surreptitiously
6 conceal himself on the property or premises and peer, peep or spy through a window, door or
7 other opening of a building or structure that is used as a dwelling on the property or premises
8 while in possession of a camera, or other device capable of recording images or sound, by
9 spying through a bathroom window and taking several photographs of DIVINA LEAL, a
10 fifteen year-old girl.

11 COUNT 6 – CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER
12 PERSON

13 did, on or about the 23rd day of March, 2015, willfully, unlawfully, knowingly, and
14 intentionally capture an image of the private area of another person, to-wit: the breasts and/or
15 body of DIVINA LEAL, a fifteen year-old girl, without her consent and under circumstances
16 in which DIVINA LEAL had a reasonable expectation of privacy.

17 COUNT 7 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
18 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

19 did, on or about the 21st day of April, 2015, willfully, unlawfully, and knowingly enter
20 upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located at 5055 West
21 Hacienda #1003, Las Vegas, Clark County, Nevada, with the intent to surreptitiously conceal
22 himself on the property or premises and peer, peep or spy through a window, door or other
23 opening of a building or structure that is used as a dwelling on the property or premises while
24 in possession of a camera, or other device capable of recording images or sound, by spying
25 through a bathroom window and taking several photographs of DIVINA LEAL, a fifteen year-
26 old girl.

27 ///

28 ///

1 COUNT 8 – OPEN OR GROSS LEWDNESS

2 did, on or about the 17th day of July, 2015, willfully and unlawfully commit an act of
3 open or gross lewdness by touching the breasts of DIVINA LEAL.

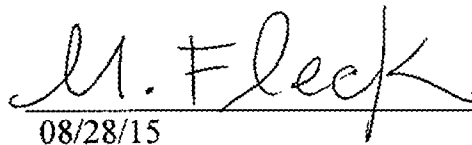
4 COUNT 9 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

5 did on or about July 17, 2015, willfully, unlawfully, and feloniously own, or have in his
6 possession and/or under his custody or control, a firearm, to-wit: a Mossberg 500A shotgun,
7 the Defendant being a convicted felon, having in 1990, been convicted of Possession Narc
8 Controlled Substance for Sale, in Case No. CR113964, in the Superior Court of California,
9 County of San Diego, a felony under the laws of the State of California.

10 COUNT 10 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

11 did on or about July 17, 2015, willfully, unlawfully, and feloniously own, or have in his
12 possession and/or under his custody or control, a firearm, to-wit: a Colt MK IV semi-automatic
13 handgun, the Defendant being a convicted felon, having in 1992, been convicted of
14 Sell/Furnish/Marijuana/Hash, Possession Marijuana for Sale, Felon/Addict/Etc. Possession
15 Firearm, in Case No. CR131746, in the Superior Court of California, County of San Diego, a
16 felony under the laws of the State of California.

17 All of which is contrary to the form, force and effect of Statutes in such cases made and
18 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
19 this declaration subject to the penalty of perjury.

20
21 
22 08/28/15

23
24
25
26
27 15F11579X/cas
28 LVMPD EV# 1508053825
(TK3)

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

LEONARD RAY WOODS
#1901705,

Defendant.

CASE NO: 15F11579X

DEPT NO: 10

SECOND AMENDED

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of **MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A RECORDING DEVICE (Gross Misdemeanor - NRS 200.603 - NOC 50350); CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER PERSON (Gross Misdemeanor - NRS 200.604 - NOC 54958); OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971); and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, on or between the 9th day of March, 2015, and the 5th day of August, 2015, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 – MURDER WITH USE OF A DEADLY WEAPON

did, on or about the 5th day of August, 2015, then and there wilfully, feloniously, without authority of law, and with malice aforethought, kill JOSIE JONES, a human being, with use of a deadly weapon, to-wit: by stabbing at and into the body of JOSIE JONES with a deadly weapon, to-wit: a knife and/or a sharp object capable of stabbing at and into the body of JOSIE JONES, the actions of Defendant resulting in the death of the said JOSIE JONES. The Defendant being responsible under one or more of the following principles of criminal

///

15F11579X
ACRM
Amended Criminal Complaint
5600283



W:\2015F\115\79\15F11579-ACOM-(WOODS_LEONARD)-001.DOCX

1 liability, to wit: (1) the willful, deliberate and premeditated killing; and/or (2) committed by
2 Defendant lying in wait to commit the killing of said JOSIE JONES.

3 COUNT 2 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
4 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

5 did, on or about the 9th day of March, 2015, willfully, unlawfully, and knowingly enter
6 upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located in Las Vegas,
7 Clark County, Nevada, with the intent to surreptitiously conceal himself on the property or
8 premises and peer, peep or spy through a window, door or other opening of a building or
9 structure that is used as a dwelling on the property or premises while in possession of a camera,
10 or other device capable of recording images or sound, by spying through a bathroom window
11 and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

12 COUNT 3 – CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER
13 PERSON

14 did, on or about the 9th day of March, 2015, willfully, unlawfully, knowingly, and
15 intentionally capture an image of the private area of another person, to-wit: breasts and/or body
16 of DIVINA LEAL, a fifteen year-old girl, without her consent and under circumstances in
17 which DIVINA LEAL had a reasonable expectation of privacy.

18 COUNT 4 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
19 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

20 did, on or about the 10th day of March, 2015, willfully, unlawfully, and knowingly
21 enter upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located in Las
22 Vegas, Clark County, Nevada, with the intent to surreptitiously conceal himself on the
23 property or premises and peer, peep or spy through a window, door or other opening of a
24 building or structure that is used as a dwelling on the property or premises while in possession
25 of a camera, or other device capable of recording images or sound, by spying through a
26 bathroom window and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

27 ///

28 ///

1 COUNT 5 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
2 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

3 did, on or about the 23rd day of March, 2015, willfully, unlawfully, and knowingly
4 enter upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located in Las
5 Vegas, Clark County, Nevada, with the intent to surreptitiously conceal himself on the
6 property or premises and peer, peep or spy through a window, door or other opening of a
7 building or structure that is used as a dwelling on the property or premises while in possession
8 of a camera, or other device capable of recording images or sound, by spying through a
9 bathroom window and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

10 COUNT 6 – CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER
11 PERSON

12 did, on or about the 23rd day of March, 2015, willfully, unlawfully, knowingly, and
13 intentionally capture an image of the private area of another person, to-wit: the breasts and/or
14 body of DIVINA LEAL, a fifteen year-old girl, without her consent and under circumstances
15 in which DIVINA LEAL had a reasonable expectation of privacy.

16 COUNT 7 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
17 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

18 did, on or about the 21st day of April, 2015, willfully, unlawfully, and knowingly enter
19 upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located in Las Vegas,
20 Clark County, Nevada, with the intent to surreptitiously conceal himself on the property or
21 premises and peer, peep or spy through a window, door or other opening of a building or
22 structure that is used as a dwelling on the property or premises while in possession of a camera,
23 or other device capable of recording images or sound, by spying through a bathroom window
24 and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

25 ///

26 ///

27 ///

28 ///

1 COUNT 8 – OPEN OR GROSS LEWDNESS

2 did, on or about the 17th day of July, 2015, willfully and unlawfully commit an act of
3 open or gross lewdness by touching the breasts of DIVINA LEAL.

4 COUNT 9 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

5 did on or about July 17, 2015, willfully, unlawfully, and feloniously own, or have in his
6 possession and/or under his custody or control, a firearm, to-wit: a Mossberg 500A shotgun,
7 the Defendant being a convicted felon, having in 1990, been convicted of Possession Narc
8 Controlled Substance for Sale, in Case No. CR113964, in the Superior Court of California,
9 County of San Diego, a felony under the laws of the State of California.

10 COUNT 10 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

11 did on or about July 17, 2015, willfully, unlawfully, and feloniously own, or have in his
12 possession and/or under his custody or control, a firearm, to-wit: a Colt MK IV semi-automatic
13 handgun, the Defendant being a convicted felon, having in 1992, been convicted of
14 Sell/Furnish/Marijuana/Hash, Possession Marijuana for Sale, Felon/Addict/Etc. Possession
15 Firearm, in Case No. CR131746, in the Superior Court of California, County of San Diego, a
16 felony under the laws of the State of California.

17 All of which is contrary to the form, force and effect of Statutes in such cases made and
18 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
19 this declaration subject to the penalty of perjury.

20
21
22 10/2/15

23
24
25
26
27 15F11579X/cas
28 LVMPD EV# 1508053825
(TK3)

**Justice Court, Las Vegas Township
Clark County, Nevada**

Court Minutes



15F11579X State of Nevada vs. WOODS, LEONARD RAY

8/7/2015 7:30:00 AM 48 Hour Probable Cause Review

Result: Signing Completed

**PARTIES
PRESENT:**

Judge: Tobiasson, Melanie A.

PROCEEDINGS

Hearings: 8/10/2015 8:30:00 AM: Initial Appearance Added

Events: Probable Cause Arrest Documents

Probable Cause Found

Bail Reset - Cash or Surety

Counts: 001 - \$0.00/\$0.00 Total Bail

**Justice Court, Las Vegas Township
Clark County, Nevada**

Court Minutes



15F11579X State of Nevada vs. WOODS, LEONARD RAY

Lead Atty: Public Defender

8/10/2015 8:30:00 AM Initial Appearance (In-Custody)

Result: Matter Heard

PARTIES PRESENT: Attorney Craig-Rohan, Christy L.
Attorney Public Defender
Defendant WOODS, LEONARD RAY

Judge: Tobiasson, Melanie A.
Prosecutor: Fleck, Michelle
Court Reporter: McCord, Donna
Court Clerk: Wenz, William

PROCEEDINGS

Attorneys: **Craig-Rohan, Christy L.** WOODS, LEONARD RAY Added
Public Defender WOODS, LEONARD RAY Added

Hearings: 8/28/2015 10:00:00 AM: Preliminary Hearing Added

Events: **Initial Appearance Completed**
Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint
Public Defender Appointed
Markum Notice Served in Open Court
Bail Stands
Counts: 001 -

Justice Court, Las Vegas Township
Clark County, Nevada

Court Minutes



15F11579X State of Nevada vs. WOODS, LEONARD RAY

Lead Atty: Public Defender

8/28/2015 10:00:00 AM Preliminary Hearing (In Custody)

Result: Matter Continued

PARTIES PRESENT:
Attorney Craig-Rohan, Christy L.
Attorney Public Defender
Defendant WOODS, LEONARD RAY

Judge: Tobiasson, Melanie A.

Prosecutor: Luzaich, Lisa

Court Reporter: McCord, Donna

Court Clerk: Wenz, William

PROCEEDINGS

Hearings: 9/18/2015 10:00:00 AM: Preliminary Hearing

Added

Events: Amended Criminal Complaint

filed in open court.

Comment

Preliminary Hearing continued.

Remand - Cash or Surety

Counts: 001; 002; 003; 004; 005; 006; 007; 008; 009; 010 - \$0.00/\$0.00 Total Bail

Charges: 002: Peer, peep or spy through window, door or other opening of dwelling of another, while in possession of a camera or other video or audio recording device

003: Unlawful capture, distribution, display or publish image of private area of another person, first offense

004: Peer, peep or spy through window, door or other opening of dwelling of another, while in possession of a camera or other video or audio recording device

005: Peer, peep or spy through window, door or other opening of dwelling of another, while in possession of a camera or other video or audio recording device

006: Unlawful capture, distribution, display or publish image of private area of another person, first offense

007: Peer, peep or spy through window, door or other opening of dwelling of another, while in possession of a camera or other video or audio recording device

008: Open or gross lewdness, first offense

009: Own or possess firearm by prohibited person

010: Own or possess firearm by prohibited person

**Justice Court, Las Vegas Township
Clark County, Nevada**

Court Minutes



15F11579X

State of Nevada vs. WOODS, LEONARD RAY

Lead Atty: Public Defender

10/2/2015 10:00:00 AM Preliminary Hearing (In-Custody)

Result: Bound Over

PARTIES PRESENT:
Attorney Murray, Julia
Attorney Public Defender
Defendant WOODS, LEONARD RAY

Judge: Tobiasson, Melanie A.

Prosecutor: Luzaich, Lisa

Court Reporter: McCord, Donna

Court Clerk: Wenz, William

PROCEEDINGS

Attorneys: **Murray, Julia** WOODS, LEONARD RAY Added

Events: **Unconditional Bind Over to District Court** Review Date: 10/3/2015

Defendant unconditionally waives right to Preliminary Hearing. Defendant Bound Over to District Court as Charged. Defendant to Appear in the Lower Level Arraignment Courtroom A.

District Court Appearance Date Set

Oct 6 2015 10:00AM: In-Custody

Amended Criminal Complaint

filed in open court.

Case Closed - Bound Over

Bail Stands

Counts: 001; 002; 003; 004; 005; 006; 007; 008; 009; 010 -

Plea/Disp: **001: Open murder, e/dw [50001]**

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

002: Peer/peep/spy through opening of dwelling w/camera [50350]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

003: Capture/distr/dsplay image of private area, (1st) [54958]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

004: Peer/peep/spy through opening of dwelling w/camera [50350]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

005: Peer/peep/spy through opening of dwelling w/camera [50350]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

006: Capture/distr/dsplay image of private area, (1st) [54958]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

007: Peer/peep/spy through opening of dwelling w/camera [50350]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

**Justice Court, Las Vegas Township
Clark County, Nevada**

008: Open/gross lewdness, (1st) [50971]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

009: Own/poss gun by prohibit pers [51460]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

010: Own/poss gun by prohibit pers [51460]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

PAGES

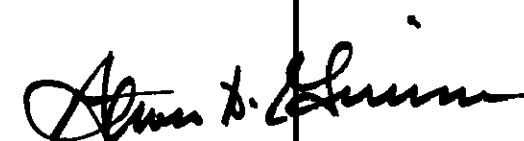
15-54

INTENTIONALLY

LEFT BLANK

Electronically Filed
10/06/2015 06:52:43 PM

TRAN



CLERK OF THE COURT

IN THE JUSTICE'S COURT OF LAS VEGAS TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

LEONARD RAY WOODS,

Defendant.

JC CASE NO. 15F11579X

DC CASE NO. C309820

REPORTER'S TRANSCRIPT

OF

WAIVER OF PRELIMINARY HEARING

**BEFORE THE HONORABLE MELANIE A. TOBIASSON
JUSTICE OF THE PEACE**

FRIDAY, OCTOBER 2, 2015

APPEARANCES:

For the State:

MICHELLE FLECK

JEFFREY ROGAN

Deputy District Attorneys

For the Defendant:

JULIA MURRAY

JORDAN SAVAGE

Deputy Public Defenders

Reported by: Donna J. McCord, CCR #337

1 LAS VEGAS, NEVADA, OCTOBER 2, 2015, 11:42 A.M.

2

3

* * * * *

4

5 THE COURT: 15F11579X, Leonard Ray Woods.

6 This is the time set for preliminary hearing. All

7 right. Where are we at?

8 MS. MURRAY: Good morning, your Honor.

9 Julia Murray and Jordan Savage on behalf of

10 Mr. Leonard Woods. At this time I believe the State

11 was filing an amended that had a -- what was the

12 change? It removed an address I believe.

13 MS. FLECK: Good morning, your Honor.

14 Michelle Fleck and Jeff Rogan for the State. The

15 only addition that we made through this second

16 amended criminal complaint is that on the peeping

17 counts we had originally had an address. The

18 address was wrong. That was the address that Divina

19 and her mom had most recently been living in and we

20 found out this morning once we showed those

21 photographs that he had taken her -- that it was

22 actually at a different house. So we just removed

23 those. So I don't think that there should be any

24 objection by the defense. If I could just approach

25 your clerk?

1 THE COURT: Yes.

2 MS. MURRAY: There is no objection.

3 THE COURT: And I have an amended criminal
4 complaint. Is this a second amended?

5 MS. MURRAY: It's a second.

6 MS. FLECK: This is a second. We could
7 have done it through interlineation but it's just
8 taking stuff out.

9 THE COURT: No, it's fine.

10 MS. MURRAY: And there is no objection by
11 the defense. It's a factual change, it's not a
12 legal change.

13 THE COURT: Okay.

14 MS. MURRAY: And I have informed Mr. Woods
15 of what the change was and there has been no change
16 in the allegations or charges or anything of that
17 nature. So we would waive the reading at this time.
18 And additionally we would unconditionally waive our
19 right to a preliminary hearing at this time.

20 THE COURT: Okay. Mr. Woods, do you
21 understand what's going on this morning?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. And you've
24 discussed this with your attorneys?

25 THE DEFENDANT: Yes.

1 THE COURT: Is that what you want to do
2 today?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: All right. Do you understand
5 when you unconditionally waive your right to a
6 preliminary hearing you are giving up that right
7 forever?

8 THE DEFENDANT: Yes.

9 THE COURT: At a preliminary hearing you'd
10 have the right to confront the State's witnesses.
11 You also would have the right to testify and present
12 evidence in your own defense. You're giving up
13 those rights as well; do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. When you get up to
16 District Court this case will either go to trial or
17 it will get negotiated but it will never come back
18 here for a preliminary hearing; do you understand
19 that?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. It appears to me
22 from the complaint on file that crimes have been
23 committed, to-wit: Count 1, murder with use of a
24 deadly weapon; Count 2, peeping or spying through a
25 window, door or other opening of dwelling while in

1 possession of a recording device; Count 3, capturing
2 an image of the private area of another person;
3 Count 4, peeping or spying through a window, et
4 cetera; Count 5, same charge; Count 6, capturing an
5 image of the private area of another person; Count
6 7, peeping or spying through a window, door, et
7 cetera; Count 8, open or gross lewdness; Count 9,
8 ownership or possession of firearm by prohibited
9 person; Count 10, ownership or possession of firearm
10 by a prohibited person, and the defendant Leonard
11 Ray Woods having unconditionally waived his right to
12 a preliminary hearing, I hereby order said defendant
13 be held to answer to said charges in the Eighth
14 Judicial District Court, County of Clark, State of
15 Nevada at the following date and time.

16 THE CLERK: October 6th at 10:00 a.m.

17 And can I have your bar number,
18 counsel?

19 MS. MURRAY: Yes, it's 10939.

20 THE CLERK: Thank you.

21 THE COURT: Thank you.

22 MS. FLECK: Thank you, your Honor.

23 THE COURT: You bet.

24 ///

25 ///

* * * * *

Attest: Full, true, accurate transcript of
proceedings.

_____/S/Donna J. McCord
DONNA J. McCORD CCR #337

ORIGINAL

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE FLECK
Chief Deputy District Attorney
Nevada Bar #010040
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

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

OCT 06 2015

BY, Kristen Brown
KRISTEN BROWN, DEPUTY

C-15-309820-1
INFM
Information
4493069



DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 10/6/15
10:00 A.M.
PD

THE STATE OF NEVADA,
Plaintiff,

-vs-

LEONARD RAY WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: XII

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That LEONARD RAY WOODS, the Defendant(s) above named, having committed the crimes of **MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A RECORDING DEVICE (Gross Misdemeanor - NRS 200.603 - NOC 50350); CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER PERSON (Gross Misdemeanor - NRS 200.604 - NOC 54958); OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971); and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, on or between March 9, 2015 and August 5, 2015, within the County

1 of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
2 and provided, and against the peace and dignity of the State of Nevada,

3 COUNT 1 – MURDER WITH USE OF A DEADLY WEAPON

4 did, on or about the 5th day of August, 2015, then and there wilfully, feloniously,
5 without authority of law, and with malice aforethought, kill JOSIE JONES, a human being,
6 with use of a deadly weapon, to-wit: by stabbing at and into the body of JOSIE JONES with
7 a deadly weapon, to-wit: a knife and/or a sharp object capable of stabbing at and into the body
8 of JOSIE JONES, the actions of Defendant resulting in the death of the said JOSIE JONES.
9 The Defendant being responsible under one or more of the following principles of criminal
10 liability, to wit: (1) the willful, deliberate and premeditated killing; and/or (2) committed by
11 Defendant lying in wait to commit the killing of said JOSIE JONES.

12 COUNT 2 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
13 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

14 did, on or about the 9th day of March, 2015, willfully, unlawfully, and knowingly enter
15 upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located in Las Vegas,
16 Clark County, Nevada, with the intent to surreptitiously conceal himself on the property or
17 premises and peer, peep or spy through a window, door or other opening of a building or
18 structure that is used as a dwelling on the property or premises while in possession of a camera,
19 or other device capable of recording images or sound, by spying through a bathroom window
20 and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

21 COUNT 3 – CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER
22 PERSON

23 did, on or about the 9th day of March, 2015, willfully, unlawfully, knowingly, and
24 intentionally capture an image of the private area of another person, to-wit: breasts and/or body
25 of DIVINA LEAL, a fifteen year-old girl, without her consent and under circumstances in
26 which DIVINA LEAL had a reasonable expectation of privacy.

27 //

28 //

1 COUNT 4 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
2 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

3 did, on or about the 10th day of March, 2015, willfully, unlawfully, and knowingly
4 enter upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located in Las
5 Vegas, Clark County, Nevada, with the intent to surreptitiously conceal himself on the
6 property or premises and peer, peep or spy through a window, door or other opening of a
7 building or structure that is used as a dwelling on the property or premises while in possession
8 of a camera, or other device capable of recording images or sound, by spying through a
9 bathroom window and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

10 COUNT 5 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
11 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

12 did, on or about the 23rd day of March, 2015, willfully, unlawfully, and knowingly
13 enter upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located in Las
14 Vegas, Clark County, Nevada, with the intent to surreptitiously conceal himself on the
15 property or premises and peer, peep or spy through a window, door or other opening of a
16 building or structure that is used as a dwelling on the property or premises while in possession
17 of a camera, or other device capable of recording images or sound, by spying through a
18 bathroom window and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

19 COUNT 6 – CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER
20 PERSON

21 did, on or about the 23rd day of March, 2015, willfully, unlawfully, knowingly, and
22 intentionally capture an image of the private area of another person, to-wit: the breasts and/or
23 body of DIVINA LEAL, a fifteen year-old girl, without her consent and under circumstances
24 in which DIVINA LEAL had a reasonable expectation of privacy.

25 COUNT 7 – PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER
26 OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A
RECORDING DEVICE

27 did, on or about the 21st day of April, 2015, willfully, unlawfully, and knowingly enter
28 upon the property or premises of DIVINA LEAL and/or JOSIE JONES, located in Las Vegas,

1 Clark County, Nevada, with the intent to surreptitiously conceal himself on the property or
2 premises and peer, peep or spy through a window, door or other opening of a building or
3 structure that is used as a dwelling on the property or premises while in possession of a camera,
4 or other device capable of recording images or sound, by spying through a bathroom window
5 and taking several photographs of DIVINA LEAL, a fifteen year-old girl.

6 COUNT 8 – OPEN OR GROSS LEWDNESS

7 did, on or about the 17th day of July, 2015, willfully and unlawfully commit an act of
8 open or gross lewdness by touching the breasts of DIVINA LEAL.

9 COUNT 9 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON


10 did on or about July 17, 2015, willfully, unlawfully, and feloniously own, or have in his
11 possession and/or under his custody or control, a firearm, to-wit: a Mossberg 500A shotgun,
12 the Defendant being a convicted felon, having in 1990, been convicted of Possession Narc
13 Controlled Substance for Sale, in Case No. CR113964, in the Superior Court of California,
14 County of San Diego, a felony under the laws of the State of California.

15 COUNT 10 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

16 did on or about July 17, 2015, willfully, unlawfully, and feloniously own, or have in his
17 possession and/or under his custody or control, a firearm, to-wit: a Colt MK IV semi-automatic
18 handgun, the Defendant being a convicted felon, having in 1992, been convicted of
19 Sell/Furnish/Marijuana/Hash, Possession Marijuana for Sale, Felon/Addict/Etc. Possession
20 Firearm, in Case No. CR131746, in the Superior Court of California, County of San Diego, a
21 felony under the laws of the State of California.

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

26 BY


27 MICHELLE FLECK
28 Chief Deputy District Attorney
Nevada Bar #010040

//

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

NAME

ADDRESS

ACUNA, RON

INVESTIGATOR / C.C. DISTRICT ATTORNEY

CALHOUN, GARLAND

11065CALLAMINT HILLS CT.,
HENDERSON, NV 89052

CUSTODIAN OF RECORDS
OR DESIGNEE

Clark County Detention Center, 330 S. Casino
Center Blvd., Las Vegas, NV

CUSTODIAN OF RECORDS
OR DESIGNEE

Clark County Detention Center, Communications
330 S. Casino Center Blvd., Las Vegas, NV

CUSTODIAN OF RECORDS
OR DESIGNEE

LVMPD Communications,
Las Vegas, NV

CUSTODIAN OF RECORDS
OR DESIGNEE

LVMPD Records
Las Vegas, NV

DELPHINO, CHRISTINA

2920 MEADOW FLOWER, LVN 89031

EMBRY B.

LVMPD #8644

FLETCHER, S.

LVMPD #5221

GROVER, B.

LVMPD #4934

LONG, D.

LVMPD #3969

RIVAS, YESENIA

5419 W. TROPICANA #2316, NLVN 89031

SMITH. S.

LVMPD #6424

WILSON, R.

LVMPD #3836

WRIGHT, A.

LVMPD #9974

15F11579X /jr
LVMPD EV#1508053825
(TK3)

RECEIVED

OCT 05 2015

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

DISTRICT COURT ADMIN

State of Nevada

PLAINTIFF

-VS-

Leonard, Woods

DEFENDANT

CASE NO:

C-15-309820-1

DEPT. NO:

12

CLERK OF THE COURT

MEDIA REQUEST AND ORDER ALLOWING
CAMERA ACCESS TO COURT PROCEEDINGS
* Please fax to (702) 671-4548 to ensure that
the request will be processed as quickly as possible.

Byron Teach (name), of KVVU-TV 3 (media organization),

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

Dept. No. 12, the Honorable Judge Levitt Presiding, on the 20 day of

October, 20 15

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

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

Dated this 2 day of Oct, 20 15

SIGNATURE:

Bk

PHONE:

702-436-8286

IT IS HEREBY ORDERED THAT:

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

☐ The media request is denied for the following reasons: _____

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

☐ OTHER: _____

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

Dated this

2

day of

October

20

15

William J. Dwyer
DISTRICT COURT JUDGE

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

State of Nevada

PLAINTIFF

-VS-

Leonard Woods

DEFENDANT

CASE NO: C-15-309820-1

DEPT. NO: 12

**NOTIFICATION OF
MEDIA REQUEST**

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

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

DATED this 7 day of October, 2015.



Eighth Judicial District Court

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 7 day of October, 2015, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff


District Attorney

(702) 455-2294

Defendant

Public Defender

(702) 455-5112



Eighth Judicial District Court

RECEIVED

OCT 19 2015

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

DISTRICT COURT ADMIN

State of Nevada

PLAINTIFF

-VS-

Leonard Woods

DEFENDANT

CLERK OF THE COURT

CASE NO: C-15-309820-1DEPT. NO: 12MEDIA REQUEST AND ORDER ALLOWING
CAMERA ACCESS TO COURT PROCEEDINGS* Please fax to (702) 671-4548 to ensure that
the request will be processed as quickly as possible.Guy DeMarco (name), of 8 News NOW (media organization),

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

Dept. No. 12, the Honorable Judge Michelle Leavitt Presiding, on the 20 day of
October, 2015.

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

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

Dated this 16 day of October, 2015.SIGNATURE: PHONE: 702-792-8870

IT IS HEREBY ORDERED THAT:☐ The media request is **denied** because it was submitted less than 24 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.☐ The media request is **denied** for the following reasons: _____☒The media request is **granted**. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.☐ **OTHER:** _____**IT IS FURTHER ORDERED** that this document shall be made a part of the record of the proceedings in this case.Dated this 20 day of October, 2015.
DISTRICT COURT JUDGE

RECEIVED

OCT 19 2015

DEPT. 12 68

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

State of Nevada

PLAINTIFF

-VS-

Leonard Woods

DEFENDANT

CASE NO: C-15-309820-1

DEPT. NO: 12

**NOTIFICATION OF
MEDIA REQUEST**

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

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

DATED this 19 day of October, 2015.



Eighth Judicial District Court

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 19 day of October, 2015, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff


District Attorney

(702) 455-2294

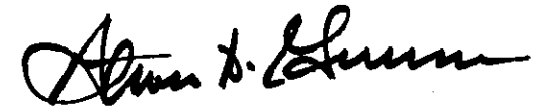
Defendant

Public Defender

(702) 455-5112



Eighth Judicial District Court



CLERK OF THE COURT

0026
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

LEONARD RAY WOODS,

Defendant.

CASE NO. C-15-309820-1

DEPT. NO. XII

DATE: December 17, 2015
TIME: 8:30 a.m.

MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, LEONARD RAY WOODS, by and through his attorney, JULIA M. MURRAY and JORDAN SAVAGE, Deputy Public Defender, and respectfully moves this court for an order vacating the December 17, 2015 trial date and requesting a new trial setting on a date convenient to the court.

This Motion is made based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, Memorandum of Points and Authorities in support hereof, and oral argument at the time set for hearing this Motion.

DATED this 8th day of December, 2015.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By 
JULIA M. MURRAY, #10939
Deputy Public Defender

By _____
JORDAN SAVAGE, #5480
Deputy Public Defender

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

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

6
7
8
9
10
11

12
13
14

15

16
1718
19

20

21
22
23
24

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

2
3

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

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

YOU WILL PLEASE TAKE NOTICE that the foregoing Motion to Continue Trial Date will be heard on December 17, 2015, at 8:30 am in Department No. XII of the District Court.

DATED this 8th day of December, 2015.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Julia M. Murray
JULIA M. MURRAY, #10939
Deputy Public Defender

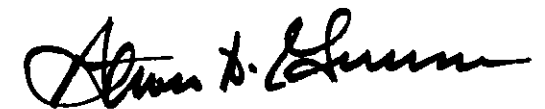
CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of MOTION TO CONTINUE TRIAL DATE, was made
this 8TH day of December, 2015, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountydade.com

MICHELLE FLECK, Deputy District Attorney
E-Mail: michelle.fleck@clarkcountynvda.com

By: Sara Ruano
Sara Ruano
Secretary for the Public Defender's Office



CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE FLECK
Chief Deputy District Attorney
Nevada Bar #10040
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

LEONARD RAY WOODS,
#1901705
Defendant.

CASE NO: C-15-309820-1

DEPT NO: XII

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

TO: LEONARD RAY WOODS, Defendant; and

TO: JULIA MURRAY & JORDAN SAVAGE, Deputy Public Defenders, Counsel
of Record;

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

Expert Witnesses:

CORNEAL, DR. JENNIFER (or designee): A medical doctor, employed by the Clark
County Coroner's Office as a Deputy Medical Examiner/Forensic Pathologist. She is an
expert in the area of forensic pathology and will give scientific opinions related thereto. She
is expected to testify regarding the cause and manner of death of JOSIE JONES.

DAHN, ROBBIE – LVMPD P# (or designee) - Senior Crime Scene Analyst II: Expert
in the identification, documentation, collection and preservation of evidence and is expected

1 to testify as an expert to the identification, documentation, collection and preservation of the
2 evidence in this case.

3 DARR, JASON – LVMPD P#3741 (or designee) – Detective, the Las Vegas
4 Metropolitan Police Department: He will testify as an expert in the area of cellular phones,
5 including but not limited to, cellular system technology including cell tower generation of calls
6 and ability to determine the location where generated, collection and handling of cellular
7 phones for evidentiary purposes, and preservation and retrieval of cellular call and text
8 records/data, photos and/or video. Further, this expert will testify to the results of any and all
9 examinations performed on the cellular phones in this case.

10 FLETCHER, SHAWN – LVMPD P#5221 (or designee) – Crime Scene Analyst:
11 Expert in the identification, documentation, collection and preservation of evidence and is
12 expected to testify as an expert to the identification, documentation, collection and
13 preservation of the evidence in this case.

14 GROVER, BRADLEY – LVMPD P#4934 (or designee) – Crime Scene Analyst:
15 Expert in the identification, documentation, collection and preservation of evidence and is
16 expected to testify as an expert to the identification, documentation, collection and
17 preservation of the evidence in this case.

18 SMINK, JEFFREY – LVMPD P#6556 (or designee) – Crime Scene Analyst: Expert
19 in the identification, documentation, collection and preservation of evidence and is expected
20 to testify as an expert to the identification, documentation, collection and preservation of the
21 evidence in this case.

22 WRIGHT, AMANDA – LVMPD P#9974 (or designee) – Crime Scene Analyst: Expert
23 in the identification, documentation, collection and preservation of evidence and is expected
24 to testify as an expert to the identification, documentation, collection and preservation of the
25 evidence in this case.

26 //

27 //

28 //

1	<u>Witnesses:</u>	
2	ACUNA, RON (or designee)	Investigator, CCDA's Office
3	ANDERSON, CARREE	2720 E. Evans Rd., #4, San Diego, CA 92106
4	BAGAPORO, GEORDINNO	LVMPD P#5970
5	BERRANG, RACHEL	LVMPD P#8948
6	BLASKO, JOEL	LVMPD P#15065
7	CALHOUN, GARLAND	5419 W. Tropicana Ave., #2316, LV, NV 89103
8	CAMPBELL, MATT	LVMPD P#6959
9	CELAYA, KEITH	LVMPD P#13524
10	CUSTODIAN OF RECORDS	Clark County Detention Center
11	CUSTODIAN OF RECORDS	El Cortez Hotel & Casino
12	CUSTODIAN OF RECORDS	LVMPD Communications
13	CUSTODIAN OF RECORDS	LVMPD Records
14	CUSTODIAN OF RECORDS	Walgreens
15	DEL PRADO, DORA	3420 Hickey Ave., NLV, NV 89030
16	DELPINO, CHRISTINA	2920 Meadow Flower Ave., NLV, NV 89031
17	EMBREY, BUDDY	LVMPD P#8644
18	FULWILER, CODY	LVMPD P#9167
19	HAGARTY, DEVYN	c/o Parent/Guardian and/or CCDA's Office
20	HARNEY, JOHN	LVMPD P#6231
21	HAYNES, VINCENT	LVMPD P#13004
22	HUNTER, PAUL	LVMPD P#10041
23	JOHNS, MATT (or designee)	Investigator, CCDA's Office
24	LEAI, DIVINA	2720 E. Evans Rd., #4, San Diego, CA 92106
25	LONG, DANIEL	LVMPD P#3969
26	MILLER, TERRI	LVMPD P#5113
27	Parent/Guardian of Devyn Hagarty	3420 Hickey Ave., NLV, NV 89030
28	RAMOS, RACHEL	8855 W. Arby, #1031, LV, NV 89148

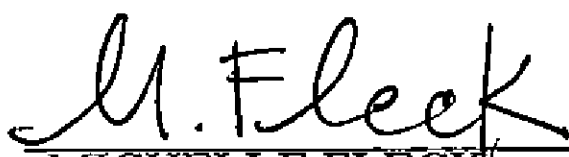
1	REYES, LANDON	LVMPD P#13129
2	RIVAS, YESENIA	2920 Meadow Flower Ave., NLV, NV 89031
3	SHANE, DONALD	LVMPD P#6727
4	SMITH, SAMUEL	LVMPD P#6424
5	STRIEGEL, TIMOTHY	LVMPD P#15131
6	SWARTZ, TRAVIS	LVMPD P#13142
7	THOMAS, RHOMEISHA	3640 Barcelona St., #5, Springfield, CA 91977
8	TURNER, LINDA	LVMPD P#6015
9	WILLIAMS, ASHLEIGH	4921 River Glenn Dr., #22, LV, NV 89103
10	WILSON, ROBERT	LVMPD P#3836

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

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

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

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

20 BY 
21 MICHELLE FLECK
22 Chief Deputy District Attorney
23 Nevada Bar #10040
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that service of Notice of Witnesses and/or Expert Witnesses was made
this 10th day of December, 2015, by e-mail to:

JULIA MURRAY, Dep. Public Defender
E-mail: murrayjm@clarkcountynv.gov

JORDAN SAVAGE, Dep. Public Defender
E-mail: savagejs@clarkcountynv.gov

BY:


T. Driver

Secretary for the District Attorney's Office

tgD/MVU

Jennifer Corneal

CONTACT

Clark County Coroner's Office
1704 Pinto Lane
Las Vegas, NV 89106
Work: 702-455-3210
Cell: 502-718-6667
Email: jennifer.corneal@clarkcountynv.gov

EDUCATION

University of Louisville School of Medicine	2010
MD	
Murray State University	2006
B.S., Chemistry	
University of New Haven	2003
M.S., Forensic Science	
Murray State University	2001
B.S., Criminal Justice	

GRADUATE TRAINING

Fellowship	2014 – 2015
Forensic Pathology	
San Diego County Medical Examiner	
Residency	2010 – 2014
Pathology	
University of South Alabama Medical Center, Mobile, AL	

LICENSURE AND CERTIFICATION

Nevada Medical License	2015
California Medical License	2014
American Board of Pathology, Anatomic Pathology	2014

HONORS AND AWARDS

Rural Honors Scholarship	2006 – 2007
Dean's Certificate of Recognition for research	2007
Chemistry Department Academic Scholarship	2005

RESEARCH EXPERIENCE

Summer Research Scholars Program	2007
“Complications of PICC lines in low birthweight infants”	
Supervisor Dr. Scott Duncan	
Poster Presentation at Neonatal Conference at Heuston Woods	2007

SCIENTIFIC PRESENTATIONS

Corneal J, Sosnowski J. Body Mass Index in Hospital Autopsy Cases: Younger Age at Death Associated with Increased BMI in the Southeast. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

Corneal J, Geli D, Sosnowski J. Amyloid Angiopathy: A Case Study. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

Corneal J, Sosnowski J. Nodular Myositis: A Case Study. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

Corneal J, Cordell C, Mancini E. Alpha-Fetoprotein Negative Papillary Yolk Sac Tumor in an Ovarian Mixed Germ Cell Tumor. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

Cordell C, Corneal J, Kahn A. Advanced Stage Medullary Carcinoma of the Colon. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

EXTRACURRICULAR AND LEADERSHIP ACTIVITIES

Team Member, CAP Self Inspection	March 2012
CAP Resident Delegate	2011 – 2013
Clinical Track Captain	2008
Benchmark Institutions Curricular team	2007

SERVICE ACTIVITIES

Volunteer, Healthcare Classic 5K	2007, 2008
Volunteer, Medical School Charity Auction	2008
Volunteer, Life Clinic (student service learning clinic)	2007

PROFESSIONAL MEMBERSHIPS

National Association of Medical Examiners	2012 – present
College of American Pathologists	2010 – present
United States & Canadian Academy of Pathology	2010 – present
American Society for Clinical Pathology	2010 – present
Medical Association of the State of Alabama	2010 – present
American College of Physicians	2006 – present
American Medical Association	2006 – present
Kentucky Medical Association	2006 – present
Southern Medical Association	2006 – present
Lambda Alpha (National Anthropology Honor Society)	2000 – present

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: DAHN, Robbie

P# 5947

Date: 04-01-13

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
UNLV	Criminal Justice	BA - (4 years) - 1997
TESTIMONY		
<i>Yes</i>	<i>No</i>	
X		District Court, Justice Court, Grand Jury
X		U.S. District Court
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Sr. Crime Scene Analyst	09-28-02 to Present
LVMPD	CSA I / II	07-13-98 to 09-28-02

CURRICULUM VITAE

JASON P. DARR

3141 E. SUNRISE AVE., LAS VEGAS, NV 89101
PHONE (702) 828-5598 · E-MAIL J3741D@LVMPD.COM

COMPUTER FORENSIC EXAMINER

As a computer forensic examiner, I have been trained in the collection, preservation, recovery and analysis of digital evidence as it relates to investigations for criminal and civil court. This applies not only to computers, but cellular phones, GPS units, skimmers and other devices which store digital data. I am currently a Detective of the Las Vegas Metropolitan Police Department assigned to the Computer Forensics Lab, and am a member of the United States Secret Service Electronic Crimes Task Force as a computer forensics examiner. I have been in both positions since October of 2002.

TRAINING

<u>Dates</u>	<u>Course</u>	<u>Provider</u>	<u>Hours</u>
12/16/02- 12/18/02	Access Data Basic Computer Forensic Training	Access Data	24
02/18/03- 02/21/03	Encase Intermediate Computer Forensics	Guidance Software	32
03/03/03- 03/07/03	SMART Next Generation Linux Forensics	ASR Data	40
04/28/03- 05/02/03	Linux 101	Linux Professional Inst.	40
05/12/03- 05/16/03	Linux 102	Linux Professional Inst.	40
06/23/03- 06/26/03	Advanced Data Recovery and Analysis	NW3C	32
09/15/03- 09/20/03	Advanced Incident Handling & Hacker Exploits	The SANS Institute	36
11/03/03- 11/07/03	Enterprise Security Vulnerabilities	SEARCH	36
01/12/04- 01/15/04	SMART Linux Forensics Intermediate	ASR Data	32

03/09/04- 03/11/04	1st International Anti-Terror Conference	Archangel Corporation	24
05/03/04- 05/07/04	Certified Ethical Hacking & Countermeasures	The Training Camp	40
07/13/04- 07/16/04	Encase Internet & Email Examinations	Guidance Software	32
01/26/05	Hidden Data Communications	Synerity Inc.	8
11/08/05- 11/11/05	Encase Advanced Computer Forensics	Guidance Software	32
12/12/05- 12/16/05	Network Hacking	Synerity Inc.	35
02/06/06- 02/10/06	Harris Corp. Cellular Wireless CDMA/GSM	Harris Corp.	35
05/22/06- 05/25/06	Wireless Communications	Synerity Inc.	40
03/13/07- 03/15/07	Access Data Bootcamp	Access Data	21
10/09/07- 10/11/07	Windows Forensics	Access Data	21
10/12/07	Vista Forensics	Access Data	7
11/13/07- 11/16/07	ICAC Investigation of Cellular Telephones	SEARCH	32
04/08/08- 04/11/08	Advanced Computer Hacking Techniques(Wireless)	Synerity Inc.	32
08/04/08- 08/07/08	Examination of Compromised Workstations	Synerity Inc.	32
10/20/09- 10/22/09	Windows Forensics Registry	Access Data	21
01/05/10- 01/07/10	MAC Forensics	Access Data	21
08/16/10- 08/20/10	Mobile Forensics Workshop 202	Mobile Forensics Inc.	35
12/07/10- 12/08/10	Live Data Acquisition and Analysis	BitSec Global Forensics	16
12/09/10	Windows 7 Forensics	BitSec Global Forensics	8
01/18/11- 01/20/11	Cellular Forensics & Data Recovery	Cellular Forensics LLC	24

04/04/11- 04/08/11	Cell Phone Repair & Chip-Off Forensics Training	Teel Technologies	40
05/05/11- 05/10/11	Advanced Computer Forensic Analysis and Incident Response	The SANS Institute	36
05/31/11- 06/01/11	Ios Forensic Analysis and Lantern Training	Katana Forensics	16
09/19/11- 09/23/11	Mobile Device Forensics	The SANS Institute	30

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: FLETCHER, Shawn

P# 5221

Date: 03-26-13

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
Central Michigan University	Health, Fitness & Nutrition	BAA - 1990
CCSN	Criminal Justice/Law Enforcement	AAS - 1995
TESTIMONY		
<i>Yes</i>	<i>No</i>	
X		District Court, Justice Court, Grand Jury
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Sr. Crime Scene Analyst	10-28-00 to Present
LVMPD	CSA I / II	07-29-96 to 10-28-00
LVMPD	Info. Systems Temp.	01-96 - 07-96
"Q" Club	Personal Trainer	05-95 - 01-96
Wackenhut Services, Inc.	Fitness Instructor	07-91 - 05-95

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: Bradley Grover

P# 4934

Date: 10-1-03

CURRENT CLASSIFICATION		
	Classification	Minimum Qualifications
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
Institution	Major	Degree/Date
UNLV	Science	Bachelor-1987

TESTIMONY		
Yes	No	

EMPLOYMENT HISTORY		
Employer	Title	Date
LVMPD	Sr. Crime Scene Analyst	4-3-95

GROVER, BRADLEY

P# 4934

CRIMINALISTICS BUREAU -

FIELD

SENIOR CSA

SS#: 530-78-2922

DOH: 04-03-95

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
05-17-87	Bachelor of Science	University of Nevada	Degree
04-17-95	Range Training	LVMPD	4
04-07-95	Introductory Crime Scene Analyst Training	LVMPD	40
05-09-95	FATS Training	LVMPD	2
05-18-95	Driver Training - Level 2	LVMPD	2
06-30-95	Duty Weapon Qualification	LVMPD	1
08-02-95	New Civilian Employee Orientation	LVMPD	7
09-05-95	Range Training	LVMPD	1
09-30-95	Duty Weapon Qualification	LVMPD	1
11-29-95	Video - Courtroom Skills and Tactics	LVMPD	31 Min.
02-14-96	Forensic Science	American Institute of Applied Science	240
03-08-96	Firearms/Range Training	LVMPD	1
03-31-96	Duty Weapon Qualification	LVMPD	1
05-14-96	Firearms/Range Training	LVMPD	1
06-05-96	Verbal Judo	LVMPD	8
06-18-96	Oleoresin - Civilian	LVMPD	2
06-18-96	Combat Shooting Simulator/FATS Training	LVMPD	1
06-22-96	CAPSTUN Training	LVMPD	1.5
06-30-96	Duty Weapon Qualification	LVMPD	2
07-22-96	Gunshot and Stab Wounds: A Medical Examiner's View-	Barbara Clark Mims Associates	8
09-10-96	Firearms/Range Training	LVMPD	1
09-23 to 09-27-96	Crime Scene Technology II	Northwestern University, Traffic Institute	40
09-30-96	Duty Weapon Qualification	LVMPD	2
10-07 to 10-11-96	Fingerprinting Classification	Law Enforcement Officers Training School	40
11-27-96	Ultraviolet (UV) Light Orientation and Safety Presentation	LVMPD	1
01-28-97	Firearms/Range Training	LVMPD	1.5
02-18 to	Top Gun Training	LVMPD	21

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
02-20-97			
02-27-97	Moot Court - Video	LVMPD	2
03-30-97	Duty Weapon Qualification	LVMPD	2
04-23, 24 & 04-30-97	Civilian Use of Force & Firearm Training	LVMPD	21
04-30-97	Off-Duty Weapon Qualification	LVMPD	
06-13-97	NCIC Phase I - Video	LVMPD	20 Min.
07-02-97	Duty Weapon Qualification	LVMPD	2
08-22-97	Firearms/Range Training	LVMPD	1
09-15 to 09-19-97	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
09-30-97	Duty Weapon Qualification	LVMPD	2
10-06 to 10-10-97	Investigative Photography I	Northwestern University, Traffic Institute	40
10-13 to 10-17-97	Bloodstain Evidence Workshop 2	Northwestern University, Traffic Institute	40
11-03 to 11-07-97	Courtroom Presentation of Evidence: Effective Expert Witness Testimony Workshop (Running workshops on the dates noted. CSAs go for 7-hour course)	CAT/NWAFS/SWAFS/SAT Joint Meeting	7
11-14-97	Firearms/Range Training	LVMPD	1
12-31-97	Duty Weapon Qualification	LVMPD	2
02-20-98	Trauma Shooting - Video	LVMPD	30 Min.
02-23-98	Domestic Violence	LVMPD	1
02-26-98	Clandestine Lab Dangers - Video	LVMPD	30 Min.
02-27-98	Combat Shooting Simulator/FATS	LVMPD	1
02-27-98	FATS Training	LVMPD	1
03-06-98	Secondary Devices - Video	LVMPD	30 Min.
03-11 to 03-13-98	California Homicide Investigators Association: (Field of Homicide Investigations) Bakersfield, CA	California Homicide Investigators Association	24
03-98	Range	LVMPD	1
03-31-98	Duty Weapon Qualification	LVMPD	2
04-08-98	Critical Procedures Test	LVMPD	2
06-26-98	Duty Weapon Qualification	LVMPD	2
6-30-98	Range	LVMPD	1

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
07-08-98	Driver Training - Class II	LVMPD	8
09-11-98	Optional Weapon	LVMPD	
09-25-98	Range	LVMPD	1
12-98	Range	LVMPD	1
12-08-98	Training - Motor Home Driving	LVMPD	4
12-11-98	Duty Weapon Qualification	LVMPD	2
01-29-99	Low Lethal Certification	LVMPD	10
03-99	Range	LVMPD	1
03-99	PR Photograph	LVMPD	4
03-30-99	Duty Weapon Qualification	LVMPD	2
03-03	Accident Investigation Photography	LVMPD	2
04-20-99	Critical Procedures Test	LVMPD	2
04-30-99	NSDIAI Educational Conference	NSDIAI	8
05-18-99	Duty Weapon Qualification/Off-Duty Weapon Qualification	LVMPD	2
06-30-99			
08-11, 12, & 08-13-99	Bombs and Explosive Devices - Public Safety Continuing Education	Public Agency Training Council, National Crime Justice, "Academy Quality Module Training"	24
09-20 to 09-24-99	Investigative Photography 2	Northwestern University, Traffic Institute	40
09-21-99	Duty Weapon Qualification	LVMPD	2
09-99	Range	LVMPD	1
12-99	Range	LVMPD	1
01-19-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
01-20-00	Sticky-side Tape Processing	U.S. Secret Service	8
06-12 to 06-14-00	Clandestine Laboratory Safety Certification Course - Occasional Site Worker	LVMPD	24
09-06 to 09-08-00	Shooting Incident Reconstruction	Forensic Identification Training Seminars	24
04-11 to 04-13-01	3 rd Annual Educational Conference Florazine	NSDIAI	2
"	Bloodstain Report Writing	"	2
"	Forensic DNA	"	2

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
"	Forensic Anthropology	"	1
"	Ted Binion Homicide	"	2
10-15-01	Bloodstain Pattern Analysis - Angle of Impact Proficiency Exercise - Certificate #16	LVMPD Criminalistics Bureau	3
07-18-01	Driver's Training	LVMPD	8
04-01-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
04-02-02	Forensic Anthropology	LVMPD	1.5
04-15-02	Objective Approach to the Crime Scene	LVMPD - Criminalistics Bureau	1
05-22-02	Major Case Prints	LVMPD - Criminalistics Bureau	3
06-05-02	Documentation of Footwear & Tire Impressions	LVMPD - Criminalistics Bureau	1
08-04 to 08-10-02	87 th International Educational Conference - See below	IAI	
"	Investigating Cult and Occult Crimes	"	8
"	Homicide or Suicide?	"	1
"	Gizmos and Gadgets	"	2
"	Courtroom Testimony Techniques: Success Instead of Survival	"	4
01-20 to 01-24-03	Ridgeology Science Workshop - Forensic Identification Training Seminars	LVMPD	40

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: SMINK, Jeffrey

P# 6556

Date: 05-20-13

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
X	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
San Bernardino Community College	Criminal Justice	22 Sem units
Riverside City College	Physics	12 Sem units
TESTIMONY		
<i>Yes</i>	<i>No</i>	
X		U.S. Federal Court, District Court, Justice Court, Coroner's Inquest
X		California Superior Court
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Crime Scene Analyst Supervisor	04-05-08 to Present
LVMPD	CSA I / II / Sr. CSA	10-11-99 to 04-05-08
San Bernardino County Sheriff	Lead Forensic Specialist Forensic Specialist I/II	12-03-88 to 10-11-99

Curriculum Vitae

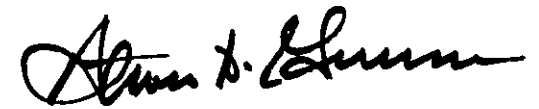
**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: WRIGHT, Amanda

P# 9974

Date: 04-01-13

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of New Haven	Forensic Science	Bachelor of Science - January 2006
Bowdoin College	Biochemistry	Bachelor of Arts - May 2001
FESTIMONY		
<i>Yes</i>	<i>No</i>	
X		District Court, Justice Court, Grand Jury
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	SENIOR CSA	10-29-11 to present
LVMPD	CSA II	05-14-09 to 10-28-11
LVMPD	CSA I	05-14-07 to 05-14-09



CLERK OF THE COURT

1 **RSPN**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **MICHELLE FLECK**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #10040**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **LEONARD RAY WOODS,**
13 **#1901705**

14 **Defendant.**

CASE NO: C-15-309820-1

DEPT NO: XII

15 **STATE'S RESPONSE TO DEFENDANT'S**
16 **MOTION TO CONTINUE TRIAL DATE**

17 **DATE OF HEARING: 12/17/2015**
18 **TIME OF HEARING: 8:30 AM**

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through MICHELLE FLECK, Chief Deputy District Attorney, and hereby
21 submits the attached Points and Authorities in Response to Defendant's Motion to Continue
22 Trial Date.

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

26 //

27 //

28 //

POINTS AND AUTHORITIES

On October 6, 2015, the District Court Hearing Master arraigned the defendant on the charges of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); PEEPING OR SPYING THROUGH A WINDOW, DOOR OR OTHER OPENING OF DWELLING OF ANOTHER WHILE IN POSSESSION OF A RECORDING DEVICE (Gross Misdemeanor - NRS 200.603 - NOC 50350); CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER PERSON (Gross Misdemeanor - NRS 200.604 - NOC 54958); OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971); and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460).

At arraignment, the State invoked its right to a speedy trial pursuant to NRS 174.511. That statute provides that the “State, upon demand, has the right to a trial of the defendant within 60 days after arraignment.” However, the State recognizes that this right is not absolute, as “[t]he court may postpone the trial if... [i]t finds that more time is needed by the defendant to prepare a defense...” Indeed, the State does not favor “a myopic insistence upon expediency in the face of a justifiable request for delay...” See Zessman v. State, 94 Nev. 28, 31, 573 P.2d 1174, 1176 (1978) citing Chandler v. Fretag, 348 U.S. 3 (1954).

Here, the defendant alleges—without specificity—that he is not prepared for trial because “there are still numerous matters of investigation and mitigation outstanding.” Decl. of Julia Murray, Deft.’s Mot. to Cont. Trial Date, at 2. The defendant further requests that trial be reset in the ordinary course.

While the State concurs that the defendant is due adequate representation, this Court must give consideration to the State’s right to a speedy trial and **deny the defendant’s request to reset trial in the ordinary course**. To do so would render the State’s statutory right to a speedy trial a nullity. Just as the State must prioritize a case in which the defendant has invoked his or her right to a speedy trial, defense counsel must, for the same reason, prioritize the investigation and defense of this defendant over all other non-invoked cases. Consequently,

1 the State requests that this Court reset trial on its next stack, and set a status check thirty
2 days prior to the trial setting for trial readiness.

3
4 DATED this 15th day of December, 2015.

5 Respectfully submitted,

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

8 BY M. Fleck
9 MICHELLE FLECK
10 Chief Deputy District Attorney
Nevada Bar #10040

11
12
13
14 **CERTIFICATE OF ELECTRONIC FILING**

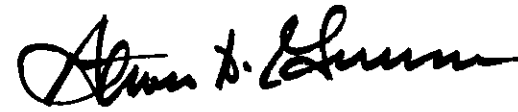
15 I hereby certify that service of the above and foregoing Response, was made this 15th
16 day of December, 2015, by Electronic Filing to:

17 JULIA MURRAY, Deputy Public Defender
18 E-mail: murrayjm@clarkcountynv.gov

19 JORDAN SAVAGE, Deputy Public Defender
20 E-mail: savagejs@clarkcountynv.gov

21 BY J. Driver
22 Secretary

23
24
25
26
27
28 MF/tgd/MVU



CLERK OF THE COURT

MSPR
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
JULIA M. MURRAY
Deputy Public Defender
Nevada Bar No. 10939
JORDAN S. SAVAGE
Chief Deputy Public Defender
Nevada Bar No. 5480
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

LEONARD RAY WOODS,

Defendant.

CASE NO. C-15-309820-1

DEPT. NO. XII

DATE: 3/31, 2016
TIME: 8:30 a.m.

MOTION TO SUPPRESS STATEMENTS FOR FIFTH AMENDMENT VIOLATION

(Jackson v. Denno hearing requested)

Defendant LEONARD RAY WOODS, through his attorneys, JULIA M. MURRAY and JORDAN S. SAVAGE, Deputy Public Defenders, moves this Honorable Court for an order suppressing Mr. Woods' statements obtained August 6, 2015 in violation of the Fifth Amendment. This Motion is based upon all the papers and pleadings on file, the attached Memorandum of Points and Authorities, and any evidence and oral argument presented at the time set for hearing this Motion.

DATED this 14th day of March, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Julia M. Murray
JULIA M. MURRAY, #10939
Deputy Public Defender

By: /s/ Jordan S. Savage
JORDAN S. SAVAGE, #5480
Deputy Public Defender

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

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

/s/ Julia M. Murray
JULIA M. MURRAY

1 **POINTS AND AUTHORITIES**

2 Defendant Leonard Woods is charged with Murder with Use of a Deadly Weapon (First
3 Degree), four counts of Peeping or Spying Through a Window, Door or Other Opening of a
4 Dwelling of Another While in Possession of a Recording device, two counts of Capturing an Image
5 of the Private Area of Another, Open and Gross Lewdness and Ownership or Possession of Firearm
6 by Prohibited Person. The charges are alleged to have occurred over approximately a six month
7 timeframe on six different dates. During the Las Vegas Metropolitan Police Department's
8 (hereinafter, "LVMPD") investigation of the crime, LVMPD officers repeatedly and systematically
9 trampled on Mr. Woods's Fifth Amendment Rights, which caused Mr. Woods to make several
10 incriminating statements to officers August 6, 2015. LVMPD officers violated Mr. Woods Fifth
11 Amendment rights in three meaningful ways: 1) Officers failed to adequately advise Mr. Woods of
12 his rights under Miranda; 2) Officers failed to scrupulously honor Mr. Woods' clear invocation of
13 his right to remain silent; and 3) Officers continued questioning after Mr. Woods invoked his right to
14 counsel. As Officers obtained Mr. Woods's statements in violation of the Fifth Amendment, Mr.
15 Woods is respectfully requesting an order suppressing his statements made August 6, 2015.

16 **I. STATEMENT OF FACTS**

17 On August 5, 2015, at approximately 8:20 p.m. Josie Jones was stabbed multiple times in
18 front of the Walgreens located at 4905 W. Tropicana Ave., Las Vegas, NV 89103.¹ Arrest Report
19 dated 08/05/15 p. 1, Exhibit A. LVMPD Officers responded to the Walgreens, where Ms. Jones's
20 daughter, D.L., provided the officers a suspect: Leonard Woods. Ar. Rpt. p. 2. D.L. provided
21 extensive information describing Mr. Woods, including his name, age, race, tattoos, hair style, and a
22 description of his clothing. Ar. Rpt. p.2. Several other witnesses also provided officers with a
23 description of the crime and a physical description of the suspect. Ar. Rpt. pp. 2-3. Ms. Jones later
24 died at the hospital from her injuries. Ar. Rpt. p. 1.

25 In the early morning hours of August 6, 2015, at approximately 12:11 a.m., Mr. Woods
26 approached two officers operating as marked patrol near 6th St. and Ogden Ave. in Las Vegas, NV.
27 Ar. Rpt. p. 3. Mr. Woods explained to the officers he believed he was wanted in connection with an

28 ¹ The facts are taken from the discovery provided thus far and should not be considered conceded for any future proceedings. Mr. Woods expressly reserves his right to challenge these facts at any future hearing and at trial.

1 incident that occurred the night before. Officers Haynes' and Swartz's Voluntary Statement, p. 4,
2 Exhibit B. Mr. Woods provided his identification to the officers and stated that the incident occurred
3 at the Walgreens located at Tropicana and Decatur. Off. Vol. Stmt. p. 5. The officers relayed this
4 information to dispatch at 12:18. Unit Log, p.1, Exhibit C.

5 During this exchange, Mr. Woods told the officers "he didn't want to to say anything else to
6 the officers." Off. Vol. Stmt. p. 4. The officers understood Mr. Woods' statement to mean he did not
7 "want to elaborate on what was going on." Off. Vol. Stmt. p. 6. After running Mr. Woods'
8 information through Scope, and realizing the incident Mr. Woods was involved in was a stabbing,
9 the officers placed Mr. Woods in handcuffs and took him into custody. Off. Vol. Stmt. pp. 7-8.

10 Despite Mr. Woods' clear expression of his desire not to speak to officers, the officers called
11 "detectives to come out and speak to [Mr. Woods]." Off. Vol. Stmt. p. 8. Detective Wilson arrived to
12 6th and Ogden at 12:31 a.m. Unit Log, p. 8. Once on scene, Det. Wilson conferred with the officers
13 and spoke to Mr. Woods. Off. Vol. Stmt. p. 9. After Detective Wilson spoke to Mr. Woods, the
14 officers transported Mr. Woods to headquarters. Off. Vol. Stmt. p. 9. Mr. Woods remained silent
15 while being transported to headquarters. Off. Vol. Stmt. p. 9.

16 Once Mr. Woods arrived at headquarters, around 12:51 a.m., officers placed Mr. Woods in
17 an interview room. Off. Vol. Stmt. p. 9. In the interview room several LVMPD crime scene analysts
18 collected Mr. Woods's clothes, took pictures, and swabbed him for DNA. Voluntary Statement of
19 Leonard Woods, pp. 1-11, Exhibit D. After collecting the clothes, pictures, and DNA, Detective
20 Wilson and Detective Embrey provided Mr. Woods a copy of his Miranda rights. Woods Vol. Stmt.,
21 p. 11. Detective Wilson read those rights to Mr. Woods from the card, stating, "You have the right to
22 remain silent. Anything you say can be used against you in a court of law. You have the right to the
23 presence of an attorney during questioning. If you cannot afford an attorney, one will be appointed
24 before questioning." Woods Vol. Stmt., p. 11.

25 Detective Wilson confirmed Mr. Woods understood his rights, and had Mr. Woods sign the
26 advice of rights card. Woods Vol. Stmt., p. 12. Detective Wilson then wrote the time, 12:23 a.m. on
27 the advice of rights card. Woods Vol. Stmt., p. 12. Detective Wilson then informed Mr. Woods that
28 Ms. Jones was dead, and began asking Mr. Woods questions about Ms. Jones. Woods Vol. Stmt., p.

1 12. Mr. Woods responded to Detective Wilson's questions with incriminating statements. Woods
2 Vol. Stmt., pp. 12-17. Eventually, Mr. Woods tried to end the interview as follows:

3 Woods: I, ah, think I should be talking to a lawyer. I don't think it's gonna
4 matter no way. I don't believe my girl is dead. Can't believe this
5 really happened like this. It doesn't make sense to me. Oh.

6 D. Wilson: **You don't wanna talk to us anymore about it?**

7 Woods: **No, I don't care.**

8 Woods Vol. Stmt., p. 19.

9 Rather than end the interrogation, Detective Wilson put pressure on Mr. Woods to keep
10 talking, stating, "Leonard you don't have to talk to us but, it's pretty important for us to know why –
11 why this happened. And the only person that can tell us why this happened is you. You know, I don't
12 think you're a bad person, I'm sitting here and – and I just only have known you for just a couple of
13 minutes but, I could see the – the pain in your face and how your talking." Woods Vol. Stmt., p. 19.

14 After Mr. Woods made several more incriminating statements, Detective Embrey
15 acknowledged they could not continue speaking with Mr. Woods unless Mr. Woods wanted to speak
16 with them, stating "Well no, I cant – I cant actually ask you anymore questions, until – unless you
17 want to – unless you want to continue talking to us so." Woods Vol. Stmt., pp. 19-20. A few
18 minutes later Mr. Woods again tried to end the interrogation stating:

19 D. Embrey: . . . So, hm, you wanna hold off?

20 Woods: Hold off on what?

21 D. Embrey: Hold off on talking to us?

22 Woods: Yeah I'm just ready to go into jail man.

23 Woods Vol. Stmt., p. 25.

24 ///

25 ///

26 ///

27 ///

28 ///

1 At that point the officers agreed to terminate the interrogation and take Mr. Woods to jail.
2 Woods Vol. Stmt., p. 25. However, after a few minutes, the detectives returned in an attempt to
3 continue the interrogation. Woods Vol. Stmt., p. 27.

4 D. Embrey: Hey Leonard we're just about done with the paperwork, ah, I've got
5 – I've got two questions that I need to ask you but I can't ask you
6 without your permission. Would you be willing to at least let me ask
7 you two questions without your attorney here?

8 Woods: That don't mean I'm gonna answer 'em.

9 D. Embrey: Yeah I understand but, I'm – I'm not even supposed to ask you
10 questions without – if you ask for your attorney I'm not even
11 supposed to ask you any questions. So in order for me to even ask
12 the questions I need you to say yeah it's okay with me to do it
13 without my attorney.

14 Woods: Start.

15 D. Embrey: It's okay?

16 Woods: Start.

17 D. Embrey: Okay two questions. The car that you were in, um, I'd like to know
18 where that is and the knife that was used. I'd like to know where that
19 is, those two things. Are those things that you would be willing to let
20 me know where they are?

21 Woods Vol. Stmt., pp. 27-28.

22 In response to Detective Embrey's questions, Mr. Woods gave several more incriminating
23 answers. Woods Vol. Stmt., pp. 28-32. After receiving this information, Detective Embrey asked
24 Mr. Woods for permission to ask a few more questions, but when Mr. Woods refused, the detectives
25 finally allowed Mr. Woods to leave the interrogation room and go to jail. Woods Vol. Stmt., pp. 32-
26 34.

27 ///

28 ///

II. ARGUMENT

The Fifth Amendment privilege against self-incrimination provides that “[n]o person... shall be compelled in any criminal case to be a witness against himself.” U.S.C.A. V²; Nev. Const. Art. 1, Sec. 8; Dzul v. State, 118 Nev. 681, 684 (2002). This protection extends to situations outside the courtroom, and protects individuals from being compelled to incriminate themselves in any situation where a person’s freedom is significantly restricted. Id. The Fifth Amendment provides certain procedural safeguards police must follow to question an individual once they have restricted that individual’s liberty. Miranda v. Arizona, 384 U.S. 436, 444 (1966). First, prior to questioning an individual, the police must adequately apprise the individual of his Fifth Amendment rights. Id. Second, should the individual inform the police he does not wish to speak with the police, the police must stop interrogating him. Id. at 445. Finally, if the individual informs the police he wishes to speak to counsel, all questioning must stop until the individual is permitted to confer with his counsel. Id. at 444-45. Should the police fail to follow these procedural safeguards, the prosecution is not allowed to use the individual’s statements against them. Id. at 444.

Here, LVMPD violated all three of these procedural safeguards while interrogating Mr. Woods. LVMPD failed to adequately apprise Mr. Woods of his Fifth Amendment rights, failed to stop questioning when Mr. Woods invoked his right to remain silent, and failed to cease questioning when Mr. Woods invoked his rights to counsel. Therefore, this Court must enter an order suppressing Mr. Woods statements as they were obtained in violation of his Fifth Amendment rights.

A. LVMPD FAILED TO ADEQUATELY APPRISE MR. WOODS OF HIS FIFTH AMENDMENT RIGHTS PRIOR TO CUSTODIAL INTERROGATION.

1. Mr. Woods was subject to custodial interrogation, thus proper Miranda Warnings were required.

“In order to combat [the pressures inherent in custodial interrogation] and to permit a full opportunity to exercise the privilege against self-incrimination, the accused must be adequately and effectively apprised of his rights.” Miranda, 384 U.S. at 467. The police must provide Miranda warnings any time an individual is subject to custodial interrogation. Kroger v. State, 117 Nev. 138,

² The privilege against self-incrimination applies to the states through the Fourteenth Amendment. See Mallory v. Hogan, 378 U.S. 1, 8 (1964).

1 141 (2001). "Custody" for Miranda purposes means a "formal arrest or restraint on freedom of
2 movement" of the degree associated with a formal arrest." Casteel v. State, 131 P.2d 1 (Nev. 2006)
3 (citing Alward v. State, 112 Nev. 141, 154 (1996) (further citations omitted)). If a reasonable person
4 in the defendant's position would not have felt free to leave, the individual is in custody for Miranda
5 purposes. State v. Taylor, 114 Nev. 1071, 1082 (1998) Interrogation has been defined as conduct on
6 the part of the police, "designed to elicit an incriminating response." Rhode Island v. Innis, 446 U.S.
7 291, 310 (1980).

8 Here, Mr. Woods was in custody for the purposes of Miranda from the moment officers
9 placed him in handcuffs. Mr. Woods had just informed the officers he was wanted in connection
10 with "an incident". When the officers realized the "incident" was a stabbing, the officers
11 immediately placed Mr. Woods in handcuffs. Officers then held Mr. Woods at the scene awaiting
12 arrival by detectives. No person in Mr. Woods' shoes would have felt free to leave. After being
13 placed in handcuffs, Mr. Woods was never released from custody. The officers transported him to
14 the police station, via police car, and placed him in an interrogation room. After the interrogation, he
15 was transported to jail and booked as an inmate. At no point would a reasonable person have
16 believed he was free to leave.

17 The detectives interrogated Mr. Woods twice: first when they arrived at 6th and Ogden, and
18 again at the police station. Before the detectives arrived at 6th and Ogden, the officers he approached
19 had already gathered all of Mr. Woods' identifying information. Thus there was no purpose
20 remaining to speak to Mr. Woods other than to interrogate and elicit incriminating information from
21 him. The statements the detectives made to Mr. Woods were designed to elicit incriminating
22 responses. Thus, Mr. Woods was interrogated before being transferred to the police station, and
23 again once he arrived at the police station. Since Mr. Woods was subject to custodial interrogation,
24 Miranda warnings were required.

25 **2. The warnings LVMPD provided to Mr. Woods were initially non-existent,**
26 **and once given, were inadequate.**

27 Miranda warnings function to reduce the risk that an involuntary or coerced statement will be
28 admitted at trial, and to implement the Fifth Amendment's self-incrimination clause. Miranda, at

1 457–58. Thus, before the state may use a defendant’s statements against him, the state must prove
2 that the warnings given by police adequately advised the defendant of his rights, and that the
3 defendant voluntarily waived those rights. Klamert v. Cupp, 437 F.2d 1153, 1154 (9th Cir. 1970).

4 The government bears a heavy burden to demonstrate that the defendant knowingly and
5 intelligently waived his Fifth Amendment rights. Berghuis v. Thompkins, 560 U.S. 370, 383 (2010).
6 A waiver cannot be knowing and intelligent if the warnings are incomplete. Miranda, 384 U.S. at
7 467-468. “There is a presumption against the waiver... which the government bears the burden of
8 overcoming by a preponderance of the evidence.” U.S. v. Crews, 502 F.3d 1130, 1139-40 (9th Cir.
9 2007). “The government’s burden to make such a showing is great, and the court will indulge every
10 reasonable presumption against waiver of fundamental constitutional rights.” Garibay, 143 F.3d
11 534, 537 (1998) (internal quotations omitted). Satisfaction of this burden requires a showing that
12 “... the defendant was aware of the nature of the right being abandoned and the consequences of
13 such abandonment.” Crews, 502 F.3d at 1140.

14 Miranda made clear that a individual has the right to consult with counsel prior to
15 questioning. Miranda, 384 U.S. at 470. Over 30 years ago, the Ninth Circuit held that an individual
16 must be warned of that right; officers must tell the individual that he has the right to consult with an
17 attorney prior to questioning. People of Territory of Guam v. Snaer, 758 F.2d 1341, 1343 (9th Cir.
18 1985). Recently, two federal District Court Judges for the District of Nevada held that LVMPD’s
19 advice of rights card does not adequately convey this right. See United States v. Chavez, 111 F.
20 Supp. 3d 1131, 1136 (D. Nev. 2015); See also United States v. Loucious, 2:15-cr-00106-JAD-VCF
21 (D. Nev. 2016) attached hereto as Exhibit E.

22 In Loucious, the defendant was read the following rights: “You understand you have the right
23 to remain silent. You understand that anything you say can be used against you in a court of law.
24 You have the right to the presence of an attorney during questioning and if you cannot afford an
25 attorney, one will be appointed before questioning.” Loucious at 3. The Court recognized that
26 Miranda does not require any specific language, but rather, the warnings given must adequately
27 convey all of the rights. Id. at 5. When all of the rights can be inferred from the warnings given,
28 Miranda has been satisfied. Id.

1 The Loucious Court concluded that the warnings given to Loucious failed to state that he had
2 the right to consult with an attorney at all: before, during, or after questioning. Loucious at 6.
3 Further, the statement “you have the right to the presence of an attorney *during* questioning,”
4 suggests that *during* questioning is the only time an attorney may be present. Id. (emphasis added).
5 The next sentence in the advice of rights card, that an attorney could be appointed before
6 questioning, does not fix the problem. Id. The Court found that indicating an attorney would be
7 appointed before questioning suggests that the attorney would be appointed right before questioning,
8 so as to be present during questioning. Id. Nothing in the warnings as a whole suggests that a
9 individual has a right to consult with counsel prior to questioning. Id. at 6-7.

10 The Chavez Court analyzed the same warnings presented in Loucious. Chavez, 111 F.
11 Supp.3d 1131, 1139 (D. Nev. 2015). The Court made similar findings, recognizing that the warnings
12 failed to advise the individual of the right to consult with an attorney prior to questioning. Id. at
13 1136. Further, the Court found the use of the word “presence” leads one to believe that the role of
14 the lawyer would be that of a neutral observer, who would not provide counsel or actively consult
15 with the individual. Id. The Court held that for these two reasons the warnings were legally
16 inadequate. Id.

17 Here, Mr. Woods was subjected to custodial interrogation when the detectives arrived at 6th
18 and Ogden. No Miranda warnings were given prior to the detectives speaking to Mr. Woods.
19 Therefore, any statements Mr. Woods made to detectives while at 6th and Ogden must be
20 suppressed.

21 Additionally, the Miranda warnings the detectives gave Mr. Woods at the police station were
22 legally inadequate. The detectives provided Mr. Woods with the exact same warnings, as the officers
23 in Chavez and Loucious. The warnings the detectives provided failed to convey to Mr. Woods that
24 he had a right to consult with an attorney before questioning, as required by Miranda and Snaer. The
25 warnings also failed to convey to Mr. Woods that if an attorney were present the attorney would
26 have an active role in counseling Mr. Woods as to whether or not he should answer some questions
27 or none at all. Since the warnings were deficient, Mr. Woods could not knowingly and intelligently
28

1 waive his Fifth Amendment rights, and his statements to the detectives at the police station must be
2 suppressed.

3 **B. LVMPD FAILED TO SCRUPULOUSLY HONOR MR. WOODS**
4 **INVOCATION OF HIS RIGHT TO REMAIN SILENT, THUS MR. WOODS**
5 **STATEMENTS MADE AFTER HE INVOKED THAT RIGHT MUST BE**
6 **SUPPRESSED.**

7 In addition to providing Miranda warnings, officers must immediately end the interrogation
8 when an individual invokes his right to remain silent. Anderson v. Terhune, 516 F.3d 781, 784 (9th
9 Cir. 2008). Invocation of the right to remain silent does not require legal specificity; the individual
10 must simply articulate that he does not want to talk. Id. at 787. Once an individual articulates that he
11 does not want to talk, the individual's invocation must be "scrupulously honored" by the officers. Id.
12 at 784.

13 However, officers may reinitiate questioning if the individual's request has been
14 "scrupulously honored," and the officers re-advise the individual of his rights. Dewey v. State, 123
15 Nev. 483, 490, (2007). In determining whether officers have scrupulously honored the individual's
16 invocation, the Court considers the following four factors relevant: 1) whether the police
17 immediately ceased questioning after the invocation; 2) whether significant time had passed since
18 the invocation; 3) whether a fresh set of Miranda warnings were issued prior to the second
19 interrogation; and 4) whether the second interrogation focused on a different crime than the first. Id.
20 at 491.

21 In Dewey, the Nevada Supreme Court held the defendant's statements admissible as the
22 police had scrupulously honored Dewey's invocation of the right to remain silent. Dewey, 123 Nev.
23 at 491. First, as soon as Dewey told the officers she did not want to speak to them, the officers
24 stopped talking to her. Id. Second, for two hours the officers did not attempt to elicit any
25 incriminating responses from Dewey. Id. Finally, the officers issued a fresh set of Miranda warnings
26 before they reinitiated questioning, and they repeatedly reminded her throughout the interrogation
27 that she could terminate questioning. Id. The Court determined it was not fatal that the officers were
28

1 questioning her about the same crime during both interrogations, as the other factors so strongly
2 indicated Dewey's request had been scrupulously honored. Id.

3 **1. All questioning should have ceased after Mr. Woods' 12:18 a.m. invocation.**

4 Unlike Dewey, here, Mr. Woods' invocation of his right to remain silent was not honored at
5 all. After Mr. Woods provided his identifying information to the officers at 6th and Ogden, he
6 clearly conveyed to them he did not wish to talk about the event—effectively invoking his Fifth
7 Amendment right to remain silent. There was nothing unclear about his statement. Mr. Woods told
8 the officers that he did not want to talk, and the officers understood that Mr. Woods did not want to
9 elaborate on the information he had already provided. All questioning should have ceased.

10 However, rather than cease all questioning after Mr. Woods' invocation, the officers called
11 other detectives to the scene to speak to Mr. Woods. Mr. Woods initially approached the officers at
12 approximately 12:11 a.m. The officers announced over the radio that they believed Mr. Woods was
13 wanted in connection with the stabbing around 12:18 a.m. At that point Mr. Woods had invoked his
14 right to remain silent. However all questioning did not cease. The detectives arrived at 6th and
15 Ogden at approximately 12:30, specifically to speak to Mr. Woods. Thus, the first factor weighs in
16 favor of a finding that the officers did not scrupulously honor Mr. Woods' invocation.

17 Detectives Wilson and Embrey reinitiated questioning at police head-quarters about an hour
18 after Mr. Woods' initial invocation of his right to remain silent. During the hour that passed,
19 LVMPD was taking pictures of Mr. Woods, asking him for DNA swabs, and taking his clothes. At
20 no time was Mr. Woods given a break from police directives to compose himself or gather his
21 thoughts. Rather, as soon as LVMPD had gathered the non-testimonial evidence it desired from Mr.
22 Woods, the detectives immediately began interrogating Mr. Woods. The time between interrogations
23 here was about half the time in between interrogations in Dewey, thus the second factor weighs in
24 favor of finding that the officers did not scrupulously honor Mr. Woods' invocation.

25 As to the third factor, the detectives did provide Mr. Woods with Miranda warnings.
26 However, as explained above, the Miranda warnings were legally insufficient to convey to Mr.
27 Woods all of the rights he would be giving up if he chose to speak to the detectives. Additionally, as
28 to the last factor, the subject of the interrogation was the same during both interrogations. Thus, the

1 third and fourth factors also weigh in favor of a finding that Mr. Woods' invocation was not
2 scrupulously honored.

3 Mr. Woods clearly invokes his right to remain silent around 12:18 a.m. This request was not
4 scrupulously honored as required by Dewey and Terhune. The detectives, thus, could not reinitiate
5 questioning consistent with the Fifth Amendment, and all Mr. Woods' statements made to the
6 detectives after 12:18 a.m. must be suppressed.

7 **2. The interrogation should have ceased immediately after Woods' subsequent**
8 **invocation of rights.**

9 Early on in the interrogation at headquarters, Mr. Woods again invoked his right to remain
10 silent. When Detective Wilson asked him if he wanted to continue talking, Mr. Woods told him "No,
11 I don't care." Rather than stop questioning, Detective Wilson put pressure on Mr. Woods to continue
12 talking. Detective Embrey recognized that the detectives could not continue to speak to Mr. Woods
13 because he had invoked his rights, but the detectives did not end the interrogation. Since Mr. Woods
14 again invoked his right to remain silent, any statements made after this invocation must be
15 suppressed.

16 **3. The detectives should not have reinitiated questioning after Mr. Woods third**
17 **invocation.**

18 A short while later, Detective Embrey again clarified that Mr. Woods did not want to
19 continue talking to detectives. Mr. Woods said he wanted to "hold off" on talking to them, he was
20 "just ready to go to jail." The detectives left the room to do their paperwork, but after a short period
21 came back in asking more questions. The detectives did not wait a significant time, reissue warnings,
22 or change the subject matter, thus this request was not scrupulously honored. Since the detectives did
23 not scrupulously honor the request, they could not reinitiate questioning, and any statements made
24 after Mr. Woods said he was "just ready to go to jail" must be suppressed.

25 **C. AFTER MR. WOODS INVOKED HIS RIGHT TO COUNSEL, ALL**
26 **QUESTIONING SHOULD HAVE CEASED, AND INTERROGATION**
27 **COULD NOT BE REINITIATED.**
28

1 When an individual invokes his right to counsel, the officers must stop the interrogation, and
2 cannot reinitiate the interrogation until counsel is present. Edwards v. Arizona, 451 U.S. 477, 484-85
3 (1981). The interrogation can only continue if the individual initiates communication. Id. After an
4 individual invokes this right, police may not ask him if he wants to speak without his lawyer present.
5 Desire v. Attorney Gen. of California, 969 F.2d 802, 804-05 (9th Cir. 1992), as amended on denial
6 of reh'g (Sept. 16, 1992). Such a question violates the individual's constitutional rights. Id. Any
7 statements made in response to interrogation after an individual's request for counsel must be
8 suppressed. United States v. Reilly, 224 F.3d 986, 994 (9th Cir. 2000).

9 Here, Mr. Woods invoked his right to counsel early in the interrogation at the police station.
10 Mr. Woods stated he should be talking to his lawyer, and when pressed, Mr. Woods indicated he did
11 not want to speak anymore. Detective Embrey recognized that Mr. Woods had invoked his right to
12 counsel, asking Mr. Woods whether he would answer a few more questions without his attorney.
13 This question violated Mr. Woods' constitutional rights. After Mr. Woods' invocation of the right to
14 counsel, the interrogation should have ended. The detectives could not reinitiate questioning, and
15 any statements made after Mr. Woods request for counsel must be suppressed.

16 III. CONCLUSION

17 The Fifth Amendment serves to protect individuals from being pressured into bearing
18 witness against one's self. The United States Supreme Court has imposed procedural safeguards to
19 ensure the police are respecting these rights. Here, the police trampled Mr. Woods' Fifth
20 Amendment rights by providing inadequate Miranda warnings, not scrupulously honoring Mr.
21 Woods' invocation of his right to remain silent, and reinitiating questioning after Mr. Woods
22 invoked his right to counsel. Mr. Woods respectfully requests this Court issue an order suppressing
23 Mr. Woods' statements made August 6, 2015.

24 DATED this 14th day of March, 2016.

25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By: /s/ Julia M. Murray
JULIA M. MURRAY, #10939
28 Deputy Public Defender

By: /s/ Jordan S. Murray
JORDAN S. SAVAGE, #5480
Deputy Public Defender

1 **NOTICE OF MOTION**

2 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

3 YOU WILL PLEASE TAKE NOTICE that the foregoing Motion to Suppress will be
4 heard on 31st of March, 2016, at 8:30 a.m. in Department No. XII of the District Court.

5 DATED this 14th day of March, 2016.

6 PHILIP J. KOHN
7 CLARK COUNTY PUBLIC DEFENDER

8
9 By: /s/ Julia M. Murray
JULIA M. MURRAY, #10939
10 Deputy Public Defender

By: /s/ Jordan S. Savage
JORDAN S. SAVAGE, #5480
Deputy Public Defender

11
12
13
14 **CERTIFICATE OF ELECTRONIC SERVICE**

15 I hereby certify that service of MOTION TO SUPPRESS STATEMENTS FOR
16 FIFTH AMENDMENT VIOLATION, was made this 15TH day of March, 2016, by Electronic
17 Filing to:

18 CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountyda.com

19 MICHELLE FLECK, Chief Deputy District Attorney
20 E-Mail: Michelle.Fleck@clarkcountyda.com

21
22 By: /s/ Sara Ruano
Secretary for the Public Defender's Office

EXHIBIT “A”

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT☐ City☒ County☒ Adult☐ JuvenileSector/Beat S4

ID/EVENT# 1901705	ARRESTEE'S NAME (Last) (First) (Middle) WOODS LEONARD RAY			S.S.# 564-11-2195
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) TRANSIENT				
CHARGES MURDER WITH A DEADLY WEAPON, NRS: 200.010				
OCCURRED	DATE 08/05/15	DAY OF WEEK WED	TIME 2020	LOCATION OF ARREST (Number, Street, City, State, Zip Code) 400 MARTIN LUTHER KING BLVD., LAS VEGAS, NEVADA 89106
RACE B	SEX W	D.O.B. 010269	HT. 508	WT. 170
			HAIR BLK	EYES BRO
PLACE OF BIRTH SAN DIEGO				
ARRESTING OFFICER #1: B. EMBREY		P#: 8644		ARRESTING OFFICER #2: T. MILLER
				P#: 5113
CONNECTING REPORTS (Type or Event Number) 150805-3825				

APPROVED BY (PRINTED NAME): LT. DAN MCGRATH P# 4349**CIRCUMSTANCES OF ARREST:**

On August 5, 2015, at approximately 2020 hours, LVMPD Dispatch 911 received a call from several people reporting a stabbing at Walgreens located at 4905 W. Tropicana Avenue, Las Vegas, Clark County, Nevada 89103.

LVMPD Patrol officers and medical personnel arrived on scene and found the victim, who was identified as Josie Jones, DOB: 03-26-79, suffering from multiple apparent stab and incised wounds to her torso, neck, and both arms. Jones was transported to University Medical Center- Trauma where Dr. J. Lewis pronounced Jones dead at approximately 2056 hours.

Homicide detectives were requested to respond to the scene and assume the investigation once it was determined that Jones was deceased.

Prior to Homicide detectives arriving on scene, patrol officers learned that the murder was partially recorded on the Walgreen's video surveillance. The following synopsis details what was viewed on the video surveillance and the times are according to the video surveillance time stamp:

2013:40 – Jones and her daughter parked their 2006 Chevrolet SUV in front of Walgreens
 2014:49 - Woods parked a unknown type 4- door vehicle in a nearby parking slot
 2019:29 – Woods is observed to be hiding between the Chevrolet SUV and a vehicle parked next to it and attacks Jones as she tries to get into the driver's seat of the SUV
 2019:45 – Woods gets back into the 4-door vehicle and backs out
 2020:01 – Woods drives out of view southbound through the parking lot

Homicide detectives conducted a recorded interview with Jones' 15 year old daughter, Divina Leal. Leal told detectives around 1800 hours that evening, her mom Josie Jones, drove her to cheer practice at Desert Pines High School. Leal said practice lasted until 2000 hours and the two left practice in her mom's black SUV.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 1901705

According to Leal, they drove on the I-15 southbound, exited Tropicana and stopped at the Walgreens, on the corner of Tropicana Blvd and Decatur Blvd for juice. Leal said the two exited the vehicle, entered the Walgreens, completed their transaction and exited the store all within approximately five to seven minutes. As the pair exited Walgreens, Leal stated Jones was slightly ahead of her. As her mom stepped off the sidewalk to approach the left front driver's door of their vehicle, Leal said "Joe" (later positively identified as Leonard Woods) ran directly at her mom from the rear of the vehicle. Leal said at first she thought Woods was shaking her mother, who was screaming and then she realized Woods was stabbing her mother, repeatedly yelling "Bitch."

Leal, fearing for her own safety, said she ran back into the front doors of the Walgreens and began to scream for help. When Walgreens personnel ran to help her, Leal said she ran back outside and found her mom curled up in a ball on the sidewalk bleeding. Leal said her mom was struggling to breathe and unknown persons were trying to pull Leal off of her mom, so they could provide medical attention to Jones. Leal said her mom was transported to the hospital via ambulance.

She described Woods, as a Black male, wearing a gray short sleeve t-shirt and jeans, who was bald, approximately 5'6"-5'8" tall, with a tattoo on his lower back and bicep area. Leal said Woods was a crip gang member, who was unemployed. According to Leal, Woods and Jones were not married, but had been together for approximately nine years, meeting in the San Diego area and moving to Las Vegas.

When asked if there were any prior domestic violence issues in the relationship between Woods and Jones, Leal stated Woods was "evil" and had threatened numerous times to kill Jones, Leal and her younger brother and to burn the house down. Leal said Woods told her mom several times he would hurt her if she tried to leave him.

Detectives learned that Josie Jones and Leonard Woods were living together off and on for the last 9 years but on July 17, 2015, Leonard Woods was arrested for Open and Gross Lewdness with the victim being Divina Leal. Additionally Leonard Woods was charged with being in possession of firearms by a prohibited person. On July 20, 2015, Leonard Woods was released from custody.

Detectives spoke to Yesenia Rivas who also witnessed the murder. Rivas said she and her friend and co-worker, Garland Calhoun, were walking from her apartment to the Walgreens at approximately 2015 to 2020 hours. They walked through the parking lot northbound to the southeast corner of the Walgreens. They stepped up onto the sidewalk adjacent to the Walgreens building and were walking north to the front doors when they heard a female scream. Rivas said that at first she thought it was just a couple playing around. They continued walking north on the walkway and saw a woman running around a car being chased by a male. Rivas said that even though it was night time, the lighting in the area was good and they had no problem seeing the male attack the female. When Rivas heard the scream she saw that the female was running along the passenger side of an older beige sedan parked facing west in a parking spot adjacent to and east of the Walgreens building. The male followed the female to the walkway. The female turned and was clutching her chest with both hands. As the male approached the female the female put her hands out, with the palms out towards the male. The female was on the walkway directly in front of them and screamed, "Someone help me, please, someone help me. He's trying to kill me!" The male moved to her and started stabbing her with a knife in his right hand, held with the blade coming out from the bottom of his hand. The male yelled, "Fuck you bitch, I told you I would find you!" The male appeared to be stabbing the female on the right and left side of the female's neck. Rivas estimated the male and female were about fifteen feet from them.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 1901705

The Black male saw Rivas and Calhoun and got into the front driver's seat of a beige, older model four-door sedan, possibly a 90s Ford Taurus, with an unknown Nevada plate on the rear of the car, with the white and blue plate. The male drove away with his headlights off and drove very fast south on Decatur away from the shopping center. No other people were in the car when the male enter the vehicle. The female grabbed the right side of her neck with her right hand and she falls to the walkway on her left side. There was a considerable amount of blood and the female appeared to lose consciousness.

Rivas said a young female came out of Walgreens screaming and saying that the male was her step-father and he stabbed her mother. The female screamed, "It was my step-father." Later she said, "I think it was my step-father." Rivas saw the young female pick up a purse which was in the parking lot.

The male was black, short, approximately 5'08" tall with a medium build, possibly in his early forties. The male was wearing a large oversized grey shirt and pants, there was nothing on his head and he was not wearing a mask. Rivas said she was not wearing her eyeglasses and advised she could not identify the male if she saw him again.

Detectives obtained a recorded statement from Garland Calhoun. Calhoun said he had been hanging out with his friend from work, Yesenia Rivas. Calhoun and Rivas had been socializing and decided to walk over to the Walgreens at Tropicana and Decatur to buy a few things. They walked north toward the southeast corner of the Walgreens. As they approached the store Calhoun saw a black male chasing a small white female around some vehicles in the east parking lot. One of the vehicles was a black SUV. Originally Calhoun thought they were playing but as they got closer he heard the female screaming and he saw the black male repeatedly stab the white female. A young mixed race girl was also present and ran into the store. Calhoun got the impression the suspect knew the victim because after he stabbed her multiple times he stood over her and said "I said I would get you bitch, I got you, you fucking bitch." The suspect then got into the driver's seat of an older model beige Ford sedan and pulled out driving south through the parking lot. Calhoun thinks the vehicle was either a Ford Tempo or Taurus with no tint on the windows. There was no one else in the vehicle and Calhoun was not sure if it turned onto Decatur or if it turned west into the parking lot. Calhoun could not remember what the suspect was wearing but described him as a Black male approximately 5'7" with a medium build and short hair. Calhoun said he made eye contact with the suspect as he headed toward his car and thought he might be able to identify the suspect if he saw him again.

Calhoun said he took his shirt off and gave it to a store employee who came out of the store so they could use the shirt to try and stop the bleeding. Calhoun said they stood by until medical and police personnel arrived and took over caring for the victim.

On August 6, 2015, at approximately 0011 hours, Leonard Woods approached uniformed Officers Haynes P# 13004 and Swartz P# 13142 at 6th and Ogden. Woods told them "I'm wanted and I want to turn myself in. I was involved in an incident at the Walgreens at parking lot of Tropicana and Decatur."

Homicide detectives responded to that location and Woods was transported to LVMPD Headquarters for questioning. Detectives read Woods his rights per Miranda from a pre-printed Advisement for Custodial Interrogation LVMPD Card 99. Woods stated he understood his rights and signed the card. Woods was reluctant to provide a complete statement but did utter several admissions. Woods told detectives he observed Jones driving through his old neighborhood and he didn't mean for it to end like this. Woods called himself a murderer and stated he didn't intend to kill her.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 1901705

As Woods was being escorted to a patrol car, Woods uttered to Officer Haynes "Man, I swear I didn't know I killed anyone."

Based on the above facts, Woods was booked into the Clark County Detention Center on one count of Murder with a Deadly Weapon.

EXHIBIT “B”

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 1

EVENT #:150805-3825

SPECIFIC CRIME: MURDER WITH A DEADLY WEAPON

DATE OCCURRED: 08-05-2015

TIME OCCURRED: 2020 Hours

LOCATION OF OCCURRENCE:

East Parking Lot of Walgreens @ 4905 W. Tropicana Avenue,
LVN 89103

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT:

OFFICER V. HAYNES, P# 13004
& OFFICER T. SWARTZ, P# 13142

DOB:

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS:

PHONE 1:

WORK ADDRESS:

Enterprise Area Command

PHONE 2: 702-828-3111

The following is the transcription of a tape-recorded interview conducted by DETECTIVE LONG, P#3969, LVMPD HOMICIDE SECTION, on August 6, 2016, at 0058 hours.

Q: This is Detective D. Long P# 3969, I'm going to be taking a recorded voluntary statement under Event# 150805-3825, being the investigation of a murder with deadly weapon. Date and time of occurrence is 8-5-2015 at 2020 hours.

Location of occurrence is the east parking lot adjacent to the Walgreen's Drugs at 4905 West Tropicana Avenue, Las Vegas, Nevada 89103. It's in Enterprise Area Command. It is currently 8-6-2015 at 0058 hours. We are in headquarters building A, first floor interview rooms. Persons giving the statement will be

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 2

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

Officer Vincent Haynes and it's H-A-Y-N-E-S, P# 13004, his call sign is 3 Adam 6 Bike (3A6BK). His partner is also present, Travis Swartz S-W-A-R-T-Z, P# 13142, same call sign. That's correct right? Your work swing shift?

A: Yes.

Q: And, what are your hours?

A: 1800 to uh, 0400.

Q: And your boss? Your supervisor?

A: Sergeant Woodard.

Q: Willard?

A: Woodard.

Q: Woodard. Do you know his P# ? Call sign?

A: 708 Bike.

A1: P# is 9053.

Q: All right. 53. Very good, you guys worked in uniform?

A: Yes.

Q: And tell me what the uniform looks like?

A: It's a yellow shirt with, uh, Metro patch on the sides. Metro Police on the back.

Q: Okay. And the badge on the front?

A: And the badge on the front.

Q: And then you guys wear bike, black bike shorts or pants?

A: Yeah.

VOLUNTARY STATEMENT

PAGE 3

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

Q: And you guys are riding bikes tonight?

A: Tonight we're driving a vehicle with the bikes in the back too.

Q: Okay, so you were actually driving at the time this occurred?

A: Yeah. Vehicle 1772.

Q: Well. Perfect. At about what, there's a gentleman that you brought down here by the name of Leonard Woods. Is that correct?

A: That's correct.

Q: When- when did and where did you come in contact with him?

A1: We was on a vehicle stop and I was approached by a, Mr. Woods.

Q: Okay, where was the vehicle stop?

A1: At, 6th and Ogden.

Q: Okay and obviously red lights going? You're in a black and white, obviously visible as police officers and he just walks up towards you?

A1: Yes.

Q: Okay and what does he say?

A1: He said I need to talk to you.

Q: Okay. What- what happened then?

A1: I said okay, give me a second let me make sure everything is all right with my partner up here and I'll come back and talk to you.

Q: Okay. What happened next?

A1: I made sure everything was safe. Went back to talk to him and he said he was

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 4

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

involved in an incident. And he thinks he's wanted.

Q: Okay. Did he explain any more?

A1: That was it. He said I don't want too, said he didn't want to say anything else 'cause he didn't want to get in- get in- get into trouble or something like that.

Q: Okay, how what was he wearing when he approached you?

A1: He was wearing all black. Uh, black shirt, black pants and black shoes.

Q: Okay and what was his demeanor?

A1: Uh, he seemed kinda nervous when I approached him again. As he was telling me.

Q: Okay. Okay and what way was he nervous? What way was he visibly nervous?

A1: Uh, he just kinda a little shaky.

Q: Shaky? Was he sweating?

A1: A little bit yes.

Q: Yeah, it's a 100 and some odd degrees out but that - okay. Describe him for me, about how old he is- is he?

A1: He's probably about 40.

Q: Okay. Black male adult?

A1: Black male adult.

Q: And how does he wear his hair?

A1: He's bald headed.

Q: Okay, did you see any injuries or any, anything like that on him?

VOLUNTARY STATEMENT

PAGE 5

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

A1: Didn't see any injuries on him.

Q: Okay. What was the next thing to happen? He didn't want to say exactly what it was. He said I'm --

A1: He didn't want to say exactly what it was but he told me what- what was the location and it was Tropicana and Decatur in the Walgreen's parking lot.

Q: Oh, okay. And did he identify himself to you?

A1: With a- with a Nevada ID card.

Q: And where did he take that out of?

A1: Uh, out of his front right pocket.

Q: Just the- the card itself. No wallet or anything like that?

A1: No- no wallet. Just the card itself.

Q: Okay and he just handed that to you?

A1: Uh-hm. (Affirmative)

Q: And, uh, what did the what was the information on the card? Do you remember?

A1: Uh, his name.

Q: Um-hm. Oh you got it written down in your book? Okay.

A1: Uh, last name of Woods. First name was, Leonard. His date of birth, 1-2-69.

Q: Um-hm.

A1: And I asked him what his social was and he gave me 564-11-2195.

Q: Perfect. And he said it was at a Walgreen's parking lot at Decatur and Tropicana?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 6

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

A1: Um-hm. (Affirmative)

Q: Okay any more information than- than that?

A1: That's all. That's all he gave me.

Q: Okay. Um, so he's friendly?

A1: Yeah he's friendly.

Q: But he didn't want to elaborate on what was going on?

A1: No.

Q: Okay.

A1: He- he also told me he remember me because he said I- I arrested him in the past but I don't remember arresting him.

Q: Okay. Okay. But he felt- he felt a connection to you?

A1: Yeah. Um-hm.

Q: Okay and he felt you were a friendly person and he needed somebody he could talk too?

A1: Yes.

Q: Okay. I- everything was kosher at this point and everybody's acting normal?

A1: Um-hm.

Q: Uh, you guys are just standing in the street?

A1: Uh, we was standing on the- on the side by the Subway where El Cortez is at.

Q: Okay. Okay. Anything else occur at that time? Any- anything else? Any --

A1: No that was it.

VOLUNTARY STATEMENT

PAGE 7

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

Q: Okay. And you became, Officer Swartz, you became involved?

A: I ran him through scope.

Q: So you took the notes from your partner and ran him -

A: Yes.

Q: -- in your computer?

A: Yes. And, after I would have he told me the comments that Leonard said to him.

Q: Uh-hm.

A: And I pay attention to what goes on in the Valley, and I saw the detail of a call in Enterprise and was when I- when I put Trop and Decatur together with his statement at Walgreen's that's when I realized that this may be involved.

Q: What did you remember?

A: That there was a, there was a stabbing. A female was stabbed. Uh, there was a, the information on suspect gray, black clothing and it was at the Walgreen's there on the corner.

Q: Okay.

A: So once when he told me that this guy said he was involved in an incident at that Walgreen's there obviously something that big, you know, you know you got to make the notifications. When I got back out of the car I had him, immediately hooked up for so that way he doesn't, you know, have second thoughts of trying to run away or trying to fight so uh -

Q: Any other reasons for putting Leonard Woods into handcuffs? Besides him

VOLUNTARY STATEMENT

PAGE 8

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

fleeing?

A: Uh, being detained.

Q: Okay.

A: For detectives to come out and speak with him.

Q: Okay. How about for protection? He -

A: Well, for (unintelligible).

Q: -- he possibly just committed a -

A: Yeah, a violent felony.

Q: Okay very good. Um, and was he, how did he react when you asked, you told him that you were gonna put him into handcuffs?

A1: He complied with everything.

Q: He just complied?

A1: He said all right.

Q: He said okay and complied. He was -

A1: Uh-hm. (Affirmative)

Q: Uh, willing to do it.

A1: Yes.

Q: Okay so you placed in the handcuffs. Anything else occur at that point?

A1: Uh, some- some- got somebody to come out and talk to him.

Q: Okay, some detectives or just some other officers?

A1: Detectives.

VOLUNTARY STATEMENT

PAGE 9

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

Q: Detectives. Okay. And then you made notifications to... go ahead.

A: Uh, I went on the Enterprise channel -

Q: Uh-huh.

A: -- asked for the, uh, primary officers that was, uh, in charge of the incident at Trop and Decatur, notified them. They responded. I asked if Leonard was, uh, wanted to sit on the curb he said no. Uh, you guys are gonna put me in a room for hours.

Q: Oh, okay. Okay, and then, uh, we had some detectives come down and meet with him down there? Well, what happened at that time?

A: I gave them, the detectives my information, Leonard's information my partner's information and then, I let them speak with Leonard.

Q: Okay.

A: And then we ended up transporting Leonard to headquarters and dropped him off into one of the interview rooms.

Q: Interview room three. And that's where he is right now. He's actually meeting with the CSA's.

A: Perfect.

Q: Very good. Uh, anything else to add? Anything else, any other comments he might have made?

A: He was quiet the whole way here.

Q: Okay. Very good. That'll be the end of the statement. It is, uh, 0109 hours.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 10

EVENT #:150805-3825

STATEMENT OF: OFFICERS HAYNES AND SWARTZ

THIS VOLUNTARY STATEMENT WAS COMPLETED AT 4905 WEST TROPICANA AVENUE ON THE 6TH DAY OF AUGUST, 2015, AT 0109 HOURS.

DL:Nettranscripts

15V0610 D3969L on 08-19-2015

EXHIBIT “C”

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INCIDENT RECALL

Tuesday - Sep 8, 2015 1:20 PM
Requested by: B8644E@LVMPD_NT

Incident # Time Type Pri Disp Beat Team/Dist Area Map Bldg Fire Caller's Name
Address Location
LV15080600032 00:11:28 468 6 A N 6TH ST&E OGDEN AVE 3A6B 08/06/2015 03:09:31 9744 COVINGTON, AMBER

A4 A DT 0242537

Date Time Unit Code Description Operator Name

08/06/2015 00:11:28					Primary Event MAIN Opened: 15/08/06 00:11	17 9744 COVINGTON, AMBER
08/06/2015 00:11:29					Incident Initiated By: LV/COVINGTON, AMBER	17 9744 COVINGTON, AMBER
08/06/2015 00:11:29					Verification Bypassed Inc- LV15080600032 Add-6TH/OGDEN	17 9744 COVINGTON, AMBER
08/06/2015 00:11:29					Initial Traffic Stop by LV/3A6B at 00:11:28 on 15/08/06	17 9744 COVINGTON, AMBER
08/06/2015 00:11:29	LV/3A6B	USOF			location is _6TH/OGDEN 468	17 9744 COVINGTON, AMBER
08/06/2015 00:11:34					L_StatusID CHANGED From: TO A	17 9744 COVINGTON, AMBER
08/06/2015 00:17:41					SEE EVT#3825	20 13035 +PIETRZAK, TRACY
08/06/2015 00:18:05					3A6B. MALE APPROACHED UNITS.. STATED WAS INV'D IN INC AT TROP/DEC.	17 9744 COVINGTON, AMBER
08/06/2015 00:18:05					POSS REL'D 420#3825 / PRIMARY UNIT FROM INCIDENT ENR TO 3A6B'S LOC //	17 9744 COVINGTON, AMBER
08/06/2015 00:18:05					0018HRS	17 9744 COVINGTON, AMBER
08/06/2015 00:18:46	LV/3A6B	USAR			location is _N 6TH ST&E OGDEN AVE 468	17 9744 COVINGTON, AMBER
08/06/2015 00:19:46					11 / H03 ER WHILE ON#3825 0019HRS	11 8358 MCKIN, JAMES E
08/06/2015 00:24:00	LV/3A6B	UC			**Overdue: Operator: LV/9744 Console: 17	
08/06/2015 00:28:04	LV/3A6B	UR			MESSAGE: 468 LV15080600032	17 9744 COVINGTON, AMBER
08/06/2015 00:30:52	LV/3A6B	USAR			location is _N 6TH ST&E OGDEN AVE 468	17 9744 COVINGTON, AMBER
08/06/2015 00:43:18	LV/3A6B	USTO			location is _HQ 468	17 9744 COVINGTON, AMBER
08/06/2015 00:50:37	LV/3A6B	USAO			location is _HQ 468	00 13142 SWARTZ, TRAVIS
08/06/2015 01:06:12	LV/8F83				**IAAssocInc LV150805003825 UPDATE Dispo to S MAIN	44 13041 *CRITCHLOW, JANY
08/06/2015 01:09:10	LV/3A6B	USTO			location is _172 MONTELLLO AVE 468	00 8394 FINKE, NATHAN E
08/06/2015 01:30:15	LV/3A6B	USTO			location is _3492 PINION PEAK 468	00 8394 FINKE, NATHAN E
08/06/2015 01:40:56	LV/3A6B	USTO			**IAAssocInc LV150805003825 UPDATE Dispo to K MAIN	20 7279 PADGEN, EILEEN A
08/06/2015 02:00:57	LV/3A6B	USAO			location is _3492 PINION PEAK 468	00 8394 FINKE, NATHAN E
08/06/2015 02:04:07	LV/3A6B	USTB			**IAAssocInc LV150805003825 UPDATE Dispo to K MAIN	12 15165 TERRY, GINA M
08/06/2015 02:20:49	LV/3A6B	USAB			location is _CCDC 468	00 13142 SWARTZ, TRAVIS
08/06/2015 02:25:15	LV/3A6B	USTO			location is _CCDC 468	00 13142 SWARTZ, TRAVIS
08/06/2015 02:44:48	LV/3A6B	USCL			location is _HQ 468	00 13142 SWARTZ, TRAVIS
08/06/2015 02:57:44	LV/3A6B				DISPOSITION CHANGED TO: A	13142 SWARTZ, TRAVIS
08/06/2015 02:57:44	LV/3A6B	D			**Added disposition: A	00 13142 SWARTZ, TRAVIS
08/06/2015 03:09:31	LV/3A6B	USCL			location is _468	00 8394 FINKE, NATHAN E

Incident #	Time	Type	Pin	Disp	Location	Map	Appt	Fire	Callers Name	Callers Address	Callers Phone	Unit	Close datetime	Operator NumberName
LLV1508060003200	11:28	468	6	A	N 6TH ST&E OGDEN AVE							3A6B	08/06/2015 03:09:31	9744 COVINGTON, AMBER

A4 A DT 0242537

Operator
Conf # Name

Date	Time	Unit	Code	Description	Route Closed: MAIN	LD Disposition1	CHANGED From:	To: A: ARRESTED	00 13142 SWARTZ, TRAVIS
08/06/2015	03:09:31	LV/3A6B							
08/06/2015	03:09:31								
08/06/2015	03:09:31	LV/3A6B							
08/06/2015	03:09:31								
08/06/2015	13:33:08	LV/H15							
08/09/2015	18:27:17	LV/C03							
09/06/2015	18:33:22	LV/C03							

End of Report for Incident Number: LLV150806000032

NOT LEGAL DOCUMENT

UNIT LOG BY INCIDENT # - LAS VEGAS METROPOLITAN POLICE DEPARTMENT

For Incident Number(s): llv150806000032

Tuesday - Sep 8, 2015 1:20 PM
Requested by: B8644E@LVMPD_NT

Unit	Event Number	P/Unit	Date	Time	Code	Type	Officer 1 # and name	Officer 2 # and name	D	Pri	Comment
3A6B	LLV150806000032	3A6B	08/06/2015	00:11:29	USOF	468	13142 SWARTZ, TRAVIS	13004 HAYNES, VINCENT	A	6	6TH/OGDEN
3A5B	LLV150806000032	3A6B	08/06/2015	00:18:46	USAR	468	8394 FINKE, NATHAN E	13337 QUINTANA, JOHN P	A	6	N 6TH ST&E OGDEN AVE
3A6B	LLV150806000032	3A6B	08/06/2015	00:24:00	UO	468	13142 SWARTZ, TRAVIS	13004 HAYNES, VINCENT	A	6	Overdue: Operator: LV/9744 Console: 17
3A5B	LLV150806000032	3A6B	08/06/2015	00:28:04	UR	468	8394 FINKE, NATHAN E	13337 QUINTANA, JOHN P	A	6	Reassign: 468 LLV150806000059
3A5B	LLV150806000032	3A6B	08/06/2015	00:30:52	USAR	468	8394 FINKE, NATHAN E	13337 QUINTANA, JOHN P	A	6	N 6TH ST&E OGDEN AVE
3A6B	LLV150806000032	3A6B	08/06/2015	00:43:18	USTO	468	13142 SWARTZ, TRAVIS	13004 HAYNES, VINCENT	A	6	HQ
3A6B	LLV150806000032	3A6B	08/06/2015	00:50:37	USAO	468	13142 SWARTZ, TRAVIS	13004 HAYNES, VINCENT	A	6	HQ
3A5B	LLV150806000032	3A6B	08/06/2015	01:09:10	USTO	468	8394 FINKE, NATHAN E	13337 QUINTANA, JOHN P	A	6	172 MONTELO AVE
3A5B	LLV150806000032	3A6B	08/06/2015	01:30:15	USTO	468	8394 FINKE, NATHAN E	13337 QUINTANA, JOHN P	A	6	3492 PINION PEAK
3A5B	LLV150806000032	3A6B	08/06/2015	02:00:57	USAO	468	8394 FINKE, NATHAN E	13337 QUINTANA, JOHN P	A	6	3492 PINION PEAK
3A6B	LLV150806000032	3A6B	08/06/2015	02:20:49	USTB	468	13142 SWARTZ, TRAVIS	13004 HAYNES, VINCENT	A	6	CCDC
3A6B	LLV150806000032	3A6B	08/06/2015	02:25:15	USAB	468	13142 SWARTZ, TRAVIS	13004 HAYNES, VINCENT	A	6	CCDC
3A6B	LLV150806000032	3A6B	08/06/2015	02:44:48	USTO	468	13142 SWARTZ, TRAVIS	13004 HAYNES, VINCENT	A	6	HQ
3A6B	LLV150806000032	3A6B	08/06/2015	02:57:44	USCL	468	13142 SWARTZ, TRAVIS	13004 HAYNES, VINCENT	A	6	
3A5B	LLV150806000032	3A6B	08/06/2015	03:09:31	USCL	468	8394 FINKE, NATHAN E	13337 QUINTANA, JOHN P	A	6	

End of Unit Log for Incident Number: LLV150806000032

Unit Log by Incident - Las Vegas Metropolitan Police Department

For Incident Number: LLV150805003825

Unit	Event Number	P/Unit	Date Time	Code	Type	Officer 1 P# and Name	Officer 2 P# and Name	Comment
AIK5	LLV150805003825	H15	2015/08/05 20:21:05	USER	415B	7558	WOOLARD, BRYAN	4905 W TROPICANA AVE
716	LLV150805003825	H15	2015/08/05 20:21:31	USAS	415B	8518	TAVAREZ, MICHELLE, L	4905 W TROPICANA AVE
3S2	LLV150805003825	H15	2015/08/05 20:21:39	USAS	415B	6394	BOOZE, RUSSELL E	4905 W TROPICANA AVE
3P34	LLV150805003825	H15	2015/08/05 20:21:44	USAS	415B	14998	ARTEAGA JR, JOSE M	4905 W TROPICANA AVE
3P34	LLV150805003825	H15	2015/08/05 20:22:01	USER	415B	14998	ARTEAGA JR, JOSE M	4905 W TROPICANA AVE
3S2	LLV150805003825	H15	2015/08/05 20:22:01	USER	415B	6394	BOOZE, RUSSELL E	4905 W TROPICANA AVE
716	LLV150805003825	H15	2015/08/05 20:22:04	USER	415B	8518	TAVAREZ, MICHELLE, L	4905 W TROPICANA AVE
3P34	LLV150805003825	H15	2015/08/05 20:22:30	USAR	415B	14998	ARTEAGA JR, JOSE M	4905 W TROPICANA AVE
3P	LLV150805003825	H15	2015/08/05 20:23:46	USAS	415B	15031	BUCKLEY, JEREMY	4905 W TROPICANA AVE
3S2	LLV150805003825	H15	2015/08/05 20:23:56	USER	415B	6394	BOOZE, RUSSELL E	4905 W TROPICANA AVE
3P34	LLV150805003825	H15	2015/08/05 20:23:59	USAR	415B	14998	ARTEAGA JR, JOSE M	4905 W TROPICANA AVE
3P	LLV150805003825	H15	2015/08/05 20:26:13	USER	415B	15031	BUCKLEY, JEREMY	4905 W TROPICANA AVE
AIK5	LLV150805003825	H15	2015/08/05 20:26:28	USAR	415B	7558	WOOLARD, BRYAN	4905 W TROPICANA AVE
3S1	LLV150805003825	H15	2015/08/05 20:26:35	USAS	415B	6613	YBARRA, JERRY D	4905 W TROPICANA AVE
3S1	LLV150805003825	H15	2015/08/05 20:26:38	USER	415B	6613	YBARRA, JERRY D	4905 W TROPICANA AVE
716	LLV150805003825	H15	2015/08/05 20:27:09	USAR	415B	8518	TAVAREZ, MICHELLE, L	4905 W TROPICANA AVE
3R3	LLV150805003825	H15	2015/08/05 20:27:39	USAS	415B	15111	SIMMS, JOSHUA	4905 W TROPICANA AVE
3P2	LLV150805003825	H15	2015/08/05 20:27:41	USAS	415B	15067	SIMMONS, ISALAH	4905 W TROPICANA AVE
PD137	LLV150805003825	H15	2015/08/05 20:29:24	USER	415B	9034	HODSON, BRECK L	4905 W TROPICANA AVE
3R3	LLV150805003825	H15	2015/08/05 20:29:29	USTO	415B	15111	SIMMS, JOSHUA	4905 W TROPICANA AVE
PD137	LLV150805003825	H15	2015/08/05 20:29:29	USAR	415B	9034	HODSON, BRECK L	4905 W TROPICANA AVE
3R3	LLV150805003825	H15	2015/08/05 20:29:45	USAO	415B	15111	SIMMS, JOSHUA	4905 W TROPICANA AVE
PD137	LLV150805003825	H15	2015/08/05 20:29:51	USER	415B	9034	HODSON, BRECK L	4905 W TROPICANA AVE
3P2	LLV150805003825	H15	2015/08/05 20:30:12	USAR	415B	15067	SIMMONS, ISALAH	4905 W TROPICANA AVE
3R3	LLV150805003825	H15	2015/08/05 20:30:16	USER	415B	15111	SIMMS, JOSHUA	4905 W TROPICANA AVE
686PD	LLV150805003825	H15	2015/08/05 20:30:39	USER	415B	5611	GENNARO JR, MICHAEL T	4905 W TROPICANA AVE
PD130	LLV150805003825	H15	2015/08/05 20:31:04	USER	415B	8913	GARCIA, CESAR R	4905 W TROPICANA AVE
PD130	LLV150805003825	H15	2015/08/05 20:31:04	USER	415B	8913	GARCIA, CESAR R	4905 W TROPICANA AVE
3S1	LLV150805003825	H15	2015/08/05 20:31:20	USAR	415B	6613	YBARRA, JERRY D	4905 W TROPICANA AVE
3S2	LLV150805003825	H15	2015/08/05 20:31:21	USAR	415B	6394	BOOZE, RUSSELL E	4905 W TROPICANA AVE
3S2	LLV150805003825	H15	2015/08/05 20:31:21	USAR	415B	6394	BOOZE, RUSSELL E	4905 W TROPICANA AVE
PD138	LLV150805003825	H15	2015/08/05 20:36:18	USAR	415B	9151	HAWKINS, DANIEL M	4905 W TROPICANA AVE
PD38	LLV150805003825	H15	2015/08/05 20:36:18	USAR	415B	6015	TURNER, LINDA ANN	4905 W TROPICANA AVE

Requested by: LVMPD_NTTD4022F

8/6/2015 7:25:15 AM

Unit Log by Incident - Las Vegas Metropolitan Police Department

For Incident Number: LLV150805003825

Unit	Event Number	P/Unit	Date Time	Code	Type	Officer 1 P# and Name	Officer 2 P# and Name	Comment
329WC	LLV150805003825	H15	2015/08/05 20:38:34	USAS	415B	4691	MELTON, JAMES T	4905 W TROPICANA AVE
AIR5	LLV150805003825	H15	2015/08/05 20:38:57	USCL	415B	7558	WOOLARD, BRYAN	EA
3R3	LLV150805003825	H15	2015/08/05 20:44:56	USAR	415B	15111	SIMMS, JOSHUA	UMC
3S2	LLV150805003825	H15	2015/08/05 20:47:10	USAR	415B	6394	BOOZE, RUSSELL E	4905 W TROPICANA AVE
553H	LLV150805003825	H15	2015/08/05 20:47:13	USER	415B	6231	HARNEY, JOHN EDWARD	4905 W TROPICANA AVE
PD137	LLV150805003825	H15	2015/08/05 20:51:10	USAR	415B	9034	HODSON, BRECK L	UMC
686PD	LLV150805003825	H15	2015/08/05 20:51:27	USAR	415B	5611	GENNARO JR, MICHAEL T	4905 W TROPICANA AVE
3S	LLV150805003825	H15	2015/08/05 20:51:38	USAS	415B	8729	GALLUP, BRADLEY C	4905 W TROPICANA AVE
CS4	LLV150805003825	H15	2015/08/05 20:55:05	USAS	415B	6556	SMINK JR, JEFFREY M	4905 W TROPICANA AVE
CS4	LLV150805003825	H15	2015/08/05 20:57:55	USER	415B	6556	SMINK JR, JEFFREY M	4905 W TROPICANA AVE
220	LLV150805003825	H15	2015/08/05 21:00:33	USAS	415B	4985	MCDARIS, ROXANNE A	4905 W TROPICANA AVE
3P	LLV150805003825	H15	2015/08/05 21:01:02	USAR	415B	15031	BUCKLEY, JEREMY	4905 W TROPICANA AVE
3S	LLV150805003825	H15	2015/08/05 21:01:04	USAR	415B	8729	GALLUP, BRADLEY C	4905 W TROPICANA AVE
3S	LLV150805003825	H15	2015/08/05 21:02:16	USCL	415B	8729	GALLUP, BRADLEY C	Added disposition: G
3S	LLV150805003825	H15	2015/08/05 21:02:16	D		8729	GALLUP, BRADLEY C	
C04	LLV150805003825	H15	2015/08/05 21:03:27	USER	415B	5221	FLETCHER, SHAWN MARIE	4934 GROVER, BRADLEY C
H15	LLV150805003825	H15	2015/08/05 21:03:29	USER	415B	8644	EMBREY, BUDDY M	4905 W TROPICANA AVE
CS4	LLV150805003825	H15	2015/08/05 21:06:08	USAR	415B	6556	SMINK JR, JEFFREY M	4905 W TROPICANA AVE
CS4	LLV150805003825	H15	2015/08/05 21:06:15	USAR	415B	6556	SMINK JR, JEFFREY M	4905 W TROPICANA AVE
3S5	LLV150805003825	H15	2015/08/05 21:09:22	USAS	415B	5759	WEST, KENNETH E	4905 W TROPICANA AVE
3S5	LLV150805003825	H15	2015/08/05 21:11:46	USER	415B	5759	WEST, KENNETH E	SB DEC/TROP SIDEWALK SB
3S5	LLV150805003825	H15	2015/08/05 21:11:46	USAR	415B	5759	WEST, KENNETH E	SB DEC/TROP SIDEWALK SB
C04	LLV150805003825	H15	2015/08/05 21:14:49	USAR	415B	5221	FLETCHER, SHAWN MARIE	4934 GROVER, BRADLEY C
PD130	LLV150805003825	H15	2015/08/05 21:15:13	USAR	415B	8913	GARCIA, CESAR R	4905 W TROPICANA AVE
H17	LLV150805003825	H15	2015/08/05 21:16:29	USER	415B	5113	MILLER, TERRI L	4905 W TROPICANA AVE
C20	LLV150805003825	H15	2015/08/05 21:16:47	USAS	415B	9974	WRIGHT, AMANDA	4905 W TROPICANA AVE
C20	LLV150805003825	H15	2015/08/05 21:16:49	USTO	415B	9974	WRIGHT, AMANDA	UMC
H01	LLV150805003825	H15	2015/08/05 21:17:04	USER	415B	3969	LONG, DANIEL R	4905 W TROPICANA AVE
H16	LLV150805003825	H15	2015/08/05 21:17:29	USER	415B	6424	SMITH, SAMUEL T	4905 W TROPICANA AVE
H03	LLV150805003825	H15	2015/08/05 21:19:33	USER	415B	3836	WILSON, ROBERT T.	4905 W TROPICANA AVE
303H	LLV150805003825	H15	2015/08/05 21:23:06	USER	415B	4349	MCGRATH, DANIEL M	4905 W TROPICANA AVE

Requested by: LVMPD_NTD4022F

8/6/2015 7:25:15 AM

Unit Log by Incident - Las Vegas Metropolitan Police Department

For Incident Number LLV150805003825

Unit	Event Number	P/Unit	Date Time	Code	Type	Officer 1 P# and Name	Officer 2 P# and Name	Comment
H15	LLV150805003825	H15	2015/08/05 21:25:15	USAR	415B	8644 EMBREY, BUDDY M		4905 W TROPICANA AVE
553H	LLV150805003825	H15	2015/08/05 21:33:09	USAR	415B	6231 HARNEY, JOHN EDWARD		4905 W TROPICANA AVE
C20	LLV150805003825	H15	2015/08/05 21:33:21	USAO	415B	9974 WRIGHT, AMANDA		UMC
H01	LLV150805003825	H15	2015/08/05 21:33:52	USAR	415B	3969 LONG, DANIEL R		4905 W TROPICANA AVE
303H	LLV150805003825	H15	2015/08/05 21:36:45	USAR	415B	4349 MCGRATH, DANIEL M		4905 W TROPICANA AVE
H16	LLV150805003825	H15	2015/08/05 21:36:45	USAR	415B	6424 SMITH, SAMUEL T		4905 W TROPICANA AVE
553H	LLV150805003825	H15	2015/08/05 21:37:18	USAR	415B	6231 HARNEY, JOHN EDWARD		4905 W TROPICANA AVE
H03	LLV150805003825	H15	2015/08/05 21:42:40	USAR	415B	3836 WILSON, ROBERT T.		4905 W TROPICANA AVE
220	LLV150805003825	H15	2015/08/05 21:43:45	USAR	415B	4985 MCDARIS, ROXANNE A		4905 W TROPICANA AVE
329WC	LLV150805003825	H15	2015/08/05 21:48:52	USAR	415B	4691 MELTON, JAMES T		4905 W TROPICANA AVE
H17	LLV150805003825	H15	2015/08/05 21:52:25	USAR	415B	5113 MILLER, TERRIL		4905 W TROPICANA AVE
329WC	LLV150805003825	H15	2015/08/05 21:53:37	USCL	415B	4691 MELTON, JAMES T		EA
H16	LLV150805003825	H15	2015/08/05 22:12:07	USTO	415B	6424 SMITH, SAMUEL T		UMC TRAUMA
H16	LLV150805003825	H15	2015/08/05 22:23:23	USAO	415B	6424 SMITH, SAMUEL T		UMC TRAUMA
PD130	LLV150805003825	H15	2015/08/05 22:40:45	UR		8913 GARCIA, CESAR R		Reassign: 415B LLV150805004093
8F82	LLV150805003825	H15	2015/08/05 22:49:33	USER	415B	9814 SCHULLER, NATHANIEL	13524 CELAYA, KEITH	4905 W TROPICANA AVE
8F81	LLV150805003825	H15	2015/08/05 22:49:58	USER	415B	8945 BERRANG, RACHEL M		4905 W TROPICANA AVE
8F83	LLV150805003825	H15	2015/08/05 22:49:58	USER	415B	13331 FERRANTE, JAMES E	14079 CHAPMAN, TRAVIS	4905 W TROPICANA AVE
8F81	LLV150805003825	H15	2015/08/05 22:50:39	USAR	415B	8945 BERRANG, RACHEL M		172 MONTELO AVE G2
736	LLV150805003825	H15	2015/08/05 22:51:21	USAS	415B	7415 STOVALL, TIMOTHY D		4905 W TROPICANA AVE
8F82	LLV150805003825	H15	2015/08/05 22:51:46	USAR	415B	9814 SCHULLER, NATHANIEL	13524 CELAYA, KEITH	3492 PINON PEAK DR-F3
10	LLV150805003825	H15	2015/08/05 22:52:52	USAS	415B	13213 NIEVES, GEORGE M		4905 W TROPICANA AVE
102	LLV150805003825	H15	2015/08/05 22:52:52	USAS	415B	14742 CRUZ, JOHN PATRICK		4905 W TROPICANA AVE
102	LLV150805003825	H15	2015/08/05 22:53:06	USER	415B	14742 CRUZ, JOHN PATRICK		4905 W TROPICANA AVE
1S3	LLV150805003825	H15	2015/08/05 22:54:26	USAS	415B	14814 CINA, BRITTANY		4905 W TROPICANA AVE
736	LLV150805003825	H15	2015/08/05 22:54:38	USAO	415B	7415 STOVALL, TIMOTHY D		3492 PINON PEAK
8F83	LLV150805003825	H15	2015/08/05 22:54:38	USAR	415B	13331 FERRANTE, JAMES E	14079 CHAPMAN, TRAVIS	3492 PINON PEAK
103	LLV150805003825	H15	2015/08/05 22:55:07	USAS	415B	5786 BELL, ROBERT CHARLES		4905 W TROPICANA AVE
1S3	LLV150805003825	H15	2015/08/05 22:55:09	USER	415B	14814 CINA, BRITTANY		4905 W TROPICANA AVE
10	LLV150805003825	H15	2015/08/05 22:55:13	USER	415B	13213 NIEVES, GEORGE M		4905 W TROPICANA AVE
103	LLV150805003825	H15	2015/08/05 22:55:23	USER	415B	5786 BELL, ROBERT CHARLES		4905 W TROPICANA AVE

Unit Log by Incident - Las Vegas Metropolitan Police Department

For Incident Number: LLV150805003825

Unit	Event Number	P/Unit	Date Time	Code	Type	Officer 1 P# and Name	Officer 2 P# and Name	Comment
746	LLV150805003825	H15	2015/08/05 22:58:48	USAS	415B	6098 SMAKA, SHAWN C		4905 W TROPICANA AVE
746	LLV150805003825	H15	2015/08/05 22:59:37	USER	415B	6098 SMAKA, SHAWN C		4905 W TROPICANA AVE
10	LLV150805003825	H15	2015/08/05 23:06:54	USAR	415B	13213 NIEVES, GEORGE M		4905 W TROPICANA AVE
103	LLV150805003825	H15	2015/08/05 23:08:37	USAR	415B	5786 BELL, ROBERT CHARLES		4905 W TROPICANA AVE
102	LLV150805003825	H15	2015/08/05 23:10:30	USAR	415B	14742 CRUZ, JOHN PATRICK		4905 W TROPICANA AVE
102	LLV150805003825	H15	2015/08/05 23:10:30	USAR	415B	14742 CRUZ, JOHN PATRICK		4905 W TROPICANA AVE
8F81	LLV150805003825	H15	2015/08/05 23:12:01	USAO	415B	8945 BERRANG, RACHEL M		172 MONTELO AVE G2
3R3	LLV150805003825	H15	2015/08/05 23:12:03	USTO	415B	15111 SIMMS, JOSHUA	9662 LANG, JEFFREY A.	EAC
8F81	LLV150805003825	H15	2015/08/05 23:12:20	USAO	415B	8945 BERRANG, RACHEL M		3492 PINON PEAK
736	LLV150805003825	H15	2015/08/05 23:12:27	USAO	415B	7415 STOVALL, TIMOTHY D		3492 PINON PEAK
8F83	LLV150805003825	H15	2015/08/05 23:12:31	USAO	415B	13331 FERRANTE, JAMES E	14079 CHAPMAN, TRAVIS	172 MONTELO AVE G2
PD38	LLV150805003825	H15	2015/08/05 23:14:48	USTO	415B	6015 TURNER, LINDA ANN		EAC
303H	LLV150805003825	H15	2015/08/05 23:15:17	UR		4349 MCGRATH, DANIEL M		Reassign: 415B LLV150805004087
3P	LLV150805003825	H15	2015/08/05 23:17:29	USCL	415B	15031 BUCKLEY, JEREMY	12939 CATRICALA, WILLIAM	
PD38	LLV150805003825	H15	2015/08/05 23:18:41	USAO	415B	6015 TURNER, LINDA ANN		EAC
3F23	LLV150805003825	H15	2015/08/05 23:19:16	USAS	415B	8787 O'DONNELL SEAN D		4905 W TROPICANA AVE
3F23	LLV150805003825	H15	2015/08/05 23:19:45	USAO	415B	8787 O'DONNELL SEAN D		LAMB/BLVD
3S1	LLV150805003825	H15	2015/08/05 23:20:01	USTO	415B	6613 YBARRA, JERRY D		EAC
H01	LLV150805003825	H15	2015/08/05 23:20:33	USTO	415B	3969 LONG, DANIEL R		OFC
3G22	LLV150805003825	H15	2015/08/05 23:20:37	USAS	415B	14530 WILLIAMS, JUSTIN L	9494 COLLINGWOOD, ELIZABE	LAMB/BLVD
3G	LLV150805003825	H15	2015/08/05 23:20:37	USAS	415B	15064 GRIMES, COREY	8392 PEREZ, AARON LOUIS	LAMB/BLVD
3G22	LLV150805003825	H15	2015/08/05 23:21:13	USER	415B	14530 WILLIAMS, JUSTIN L	9494 COLLINGWOOD, ELIZABE	LAMB/BLVD
1F42	LLV150805003825	H15	2015/08/05 23:21:26	USAS	415B	14801 CHURCH, ALEXANDRO		4905 W TROPICANA AVE
3G	LLV150805003825	H15	2015/08/05 23:22:10	USER	415B	15064 GRIMES, COREY	8392 PEREZ, AARON LOUIS	LAMB/BLVD
1F42	LLV150805003825	H15	2015/08/05 23:22:10	USER	415B	14801 CHURCH, ALEXANDRO		4905 W TROPICANA AVE
1F42	LLV150805003825	H15	2015/08/05 23:22:20	LO		14801 CHURCH, ALEXANDRO		loc: LAMB/BLVD
1F42	LLV150805003825	H15	2015/08/05 23:22:23	LO		14801 CHURCH, ALEXANDRO		loc: LAMB/BLVD
1F2	LLV150805003825	H15	2015/08/05 23:22:29	USAS	415B	14851 DEL VILLAR, CHRISTOPH		4905 W TROPICANA AVE
1F2	LLV150805003825	H15	2015/08/05 23:22:36	USTO	415B	14851 DEL VILLAR, CHRISTOPH		LAMB/BLVD
3G	LLV150805003825	H15	2015/08/05 23:22:54	USCL	415B	15064 GRIMES, COREY	8392 PEREZ, AARON LOUIS	
1F42	LLV150805003825	H15	2015/08/05 23:23:24	USCL	415B	14801 CHURCH, ALEXANDRO		
1F2	LLV150805003825	H15	2015/08/05 23:24:36	USCL	415B	14851 DEL VILLAR, CHRISTOPH		

Requested by: LVMPD_NTLD4022F

8/6/2015 7:25:15 AM

Unit Log by Incident - Las Vegas Metropolitan Police Department

For Incident Number: LLV150805003825

Unit	Event Number	P/Unit	Date Time	Code	Type	Officer 1 P# and Name	Officer 2 P# and Name	Comment
8F82	LLV150805003825	H15	2015/08/05 23:24:39	USAO	415B	9814 SCHULLER, NATHANIEL	13524 CELAYA, KEITH	LAMB/BLVD
3P2	LLV150805003825	H15	2015/08/05 23:26:48	USCL	415B	15067 SIMMONS, ISALAH	9705 STAHEL, COREY	
3S5	LLV150805003825	H15	2015/08/05 23:28:06	USCL	415B	5759 WEST, KENNETH E		EAC
3S1	LLV150805003825	H15	2015/08/05 23:28:29	USAO	415B	6613 YEARRA, JERRY D		SCENE
C20	LLV150805003825	H15	2015/08/05 23:29:06	USTO	415B	9974 WRIGHT, AMANDA		
3S1	LLV150805003825	H15	2015/08/05 23:29:33	USCL	415B	6613 YEARRA, JERRY D		
3F23	LLV150805003825	H15	2015/08/05 23:30:54	USCL	415B	8787 O'DONNELL, SEAN D		
H01	LLV150805003825	H15	2015/08/05 23:30:54	USAO	415B	3969 LONG, DANIEL R		OFC
553H	LLV150805003825	H15	2015/08/05 23:31:06	UR		6231 HARNEY, JOHN EDWARD		Reassign: 415B LLV150805004087
3R3	LLV150805003825	H15	2015/08/05 23:34:05	USCL	420	15111 SIMMS, JOSHUA	9662 LANG, JEFFREY A.	
1F	LLV150805003825	H15	2015/08/05 23:39:09	USAS	420	9636 YOUNG, WALTER I.		3492 PINON PEAK
3G22	LLV150805003825	H15	2015/08/05 23:39:12	USAR	420	14530 WILLIAMS, JUSTIN L	9494 COLLINGWOOD, ELIZABE	LAMB/BLVD
1F	LLV150805003825	H15	2015/08/05 23:39:36	USAR	420	9636 YOUNG, WALTER I.		3492 PINON PEAK
3G22	LLV150805003825	H15	2015/08/05 23:39:40	USTO	420	14530 WILLIAMS, JUSTIN L	9494 COLLINGWOOD, ELIZABE	NEAC
3G22	LLV150805003825	H15	2015/08/05 23:39:49	USAO	420	14530 WILLIAMS, JUSTIN L	9494 COLLINGWOOD, ELIZABE	NEAC
1S3	LLV150805003825	H15	2015/08/05 23:39:50	USAR	420	14814 CINA, BRITTANY		4905 W TROPICANA AVE
746	LLV150805003825	H15	2015/08/05 23:41:15	USAR	420	6098 SMAKA, SHAWN C		4905 W TROPICANA AVE
3G22	LLV150805003825	H15	2015/08/05 23:43:15	USCL	420	14530 WILLIAMS, JUSTIN L	9494 COLLINGWOOD, ELIZABE	
716	LLV150805003825	H15	2015/08/05 23:43:50	USCL	420	8518 TAVAREZ, MICHELLE L		SCENE
H16	LLV150805003825	H15	2015/08/05 23:44:45	USTO	420	6424 SMITH, SAMUEL T		SCENE
C20	LLV150805003825	H15	2015/08/05 23:44:55	USAO	420	9974 WRIGHT, AMANDA		SCENE
3S2	LLV150805003825	H15	2015/08/05 23:53:19	USCL	420	6394 BOOZE, RUSSELL E		Added disposition: Q
3S2	LLV150805003825	H15	2015/08/05 23:53:19	D		6394 BOOZE, RUSSELL E		
1F	LLV150805003825	H15	2015/08/05 23:55:34	UR		9636 YOUNG, WALTER I.		Reassign: 420 LLV150805004559
PD137	LLV150805003825	H15	2015/08/05 23:59:29	USAO	420	9034 HODSON, BRECK L		EAC
3P34	LLV150805003825	H15	2015/08/05 23:59:29	USCL	420	14998 ARTEAGA JR, JOSE M	10062 LEE, DONALD	
C20	LLV150805003825	H15	2015/08/06 00:12:34	USCL	420	9974 WRIGHT, AMANDA		ER SECURE
H03	LLV150805003825	H15	2015/08/06 00:17:43	USTO	420	3836 WILSON, ROBERT T.		6TH/OGDEN
H16	LLV150805003825	H15	2015/08/06 00:27:49	USAO	420	6424 SMITH, SAMUEL T		SCENE
746	LLV150805003825	H15	2015/08/06 00:29:40	UR		6098 SMAKA, SHAWN C		Reassign: 420 LLV150805000052
H03	LLV150805003825	H15	2015/08/06 00:31:04	USAO	420	3836 WILSON, ROBERT T.		6TH/OGDEN

Requested by: LVMPD_NTID4022F

8/6/2015 7:25:15 AM

Unit Log by Incident - Las Vegas Metropolitan Police Department

For Incident Number: LLV150805003825

Unit	Event Number	P/Unit	Date Time	Code	Type	Officer 1 P# and Name	Officer 2 P# and Name	Comment
H16	LLV150805003825	H15	2015/08/06 00:31:17	USAO	420	6424 SMITH, SAMUEL T		6/OGDEN
C04	LLV150805003825	H15	2015/08/06 00:33:31	USTO	420	5221 FLETCHER, SHAWN MARIE	4934 GROVER, BRADLEY C	6TH/OGDEN
8F82	LLV150805003825	H15	2015/08/06 00:34:30	USCL	420	9814 SCHULLER, NATHANIEL	13524 CELAYA, KEITH	
736	LLV150805003825	H15	2015/08/06 00:34:37	USCL	420	7415 STOVALL, TIMOTHY D		
1S3	LLV150805003825	H15	2015/08/06 00:34:40	USCL	420	14814 CINA, BRITTANY		
1O3	LLV150805003825	H15	2015/08/06 00:37:56	UR		5786 BELL, ROBERT CHARLES		Reassign: 420 LLV150805000052
1O2	LLV150805003825	H15	2015/08/06 00:40:07	USCL	420	14742 CRUZ, JOHN PATRICK		
CS4	LLV150805003825	H15	2015/08/06 00:40:24	USTO	420	6556 SMINK JR, JEFFREY M		6TH/OGDEN
1O	LLV150805003825	H15	2015/08/06 00:40:57	UR		13213 NIEVES, GEORGE M		Reassign: 420 LLV150805000009
CS4	LLV150805003825	H15	2015/08/06 00:42:39	USTO	420	6556 SMINK JR, JEFFREY M		HQ
C04	LLV150805003825	H15	2015/08/06 00:42:39	USTO	420	5221 FLETCHER, SHAWN MARIE	4934 GROVER, BRADLEY C	HQ
H03	LLV150805003825	H15	2015/08/06 00:43:06	USTO	420	3836 WILSON, ROBERT T.		OFC
H16	LLV150805003825	H15	2015/08/06 00:43:06	USTO	420	6424 SMITH, SAMUEL T		OFC
H03	LLV150805003825	H15	2015/08/06 00:48:29	USAO	420	3836 WILSON, ROBERT T.		OFC
H16	LLV150805003825	H15	2015/08/06 00:48:29	USAO	420	6424 SMITH, SAMUEL T		OFC
C04	LLV150805003825	H15	2015/08/06 00:51:12	USAO	420	5221 FLETCHER, SHAWN MARIE	4934 GROVER, BRADLEY C	HQ
686PD	LLV150805003825	H15	2015/08/06 01:04:31	USCL	420	5611 GENNARO JR, MICHAEL T		
8F83	LLV150805003825	H15	2015/08/06 01:06:11	USCL	420	13331 FERRANTE, JAMES E	14079 CHAPMAN, TRAVIS	
8F83	LLV150805003825	H15	2015/08/06 01:06:11	D		13331 FERRANTE, JAMES E	14079 CHAPMAN, TRAVIS	Added disposition: S
H17	LLV150805003825	H15	2015/08/06 01:15:50	USTO	420	5113 MILLER, TERRIL		HQ
C04	LLV150805003825	H15	2015/08/06 01:34:45	USCL	420	5221 FLETCHER, SHAWN MARIE	4934 GROVER, BRADLEY C	
PD38	LLV150805003825	H15	2015/08/06 01:40:56	USCL	420	6015 TURNER, LINDA ANN		
PD38	LLV150805003825	H15	2015/08/06 01:40:56	D		6015 TURNER, LINDA ANN		Added disposition: K
CS4	LLV150805003825	H15	2015/08/06 01:41:04	USCL	420	6556 SMINK JR, JEFFREY M		
H15	LLV150805003825	H15	2015/08/06 01:47:09	USAO	420	8644 EMBREY, BUDDY M		HQ
PD137	LLV150805003825	H15	2015/08/06 02:04:07	USCL	420	9034 HODSON, BRECK L		
PD137	LLV150805003825	H15	2015/08/06 02:04:07	D		9034 HODSON, BRECK L		Added disposition: K
PD138	LLV150805003825	H15	2015/08/06 02:39:44	USCL	420	9151 HAWKINS, DANIEL M		
8F81	LLV150805003825	H15	2015/08/06 03:10:53	USCL	420	8945 BERRANG, RACHEL M		
H17	LLV150805003825	H15	2015/08/06 03:22:51	USAO	420	5113 MILLER, TERRIL		HQ

Requested by: LVMFPD_NTID4022F

8/6/2015 7:25:15 AM

Unit Log by Incident - Las Vegas Metropolitan Police Department

For Incident Number: LLV150805003825

Unit	Event Number	P/Unit	Date Time	Code	Type	Officer 1 P# and Name	Officer 2 P# and Name	Comment
220	LLV150805003825	H15	2015/08/06 03:58:55	USCL	420	4985 MCDARIS, ROXANNE A		

EXHIBIT “D”

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 1

EVENT #: 150805-3825

SPECIFIC CRIME: MURDER WDW

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: LEONARD WOODS

DOB: 01-02-69

SOCIAL SECURITY #: 564-11-2195

RACE: B

SEX: M

HEIGHT: 508

WEIGHT: 170

HAIR: Blk

EYES: Bro

HOME ADDRESS:

Translent

PHONE 1:

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVES B. EMBREY, P#8644, and R. WILSON, P#3836, LVMPD HOMICIDE SECTION, on 8-6-15 at 0051 hours.

Q1: (Unintelligible). Oh man.

A: Please get a drink of water?

Q: Want some water?

A: Please.

Q: Yeah they'll get you some in a second.

Q1: Who's doing, ah, photographs?

Q: Ah, (unintelligible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 2

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

Q1: Okay, who?

Q: Um, (unintelligible).

Q1: Oh, okay. Do you need - need any water or anything like that?

A: I asked for that please.

Q1: Oh you already did okay.

A: Please. Please get me water.

Q1: All right we can do that I'll get you a bottle of water. Do you need to use the restroom or anything?

A: No.

Q1: You're doing okay you just need some water huh?

A: Yeah, thank you.

Q1: Okay I'm working on that.

A: Thank you.

Q1: All right. Mr. Woods our CSA's got here before your water, so we'll go ahead and get those pictures taken. Um, this is, ah, CSA Fletcher she's gonna be taking some - the pictures so where do you want to use that wall? Or...

Q2: Oh yeah if we can and then push in the chair, if we can. Luckily, we can get some good over alls. Slide over that way just a little bit, there you go. Turn and face that way for me. Put your back to me. One more turn to the right. And go ahead and face me. And turn that way again for me. And then face this wall again. Sir do you have any injuries?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 3

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

A: No.

Q2: No.

A: My (unintelligible) is all.

Q2: Is that all you need Rob or do you need more anything else?

Q1: Um, we're gonna need his clothes, um, and you don't have any injuries? He's not aware of any injuries.

Q2: Okay.

Q1: That's what he's told me out there, so.

Q2: Okay.

Q1: You got something to put him in or no? Okay, that's gonna be a problem there.

Q2: You can sit back down.

Q1: Yeah why don't you have a seat?

Q2: There you go.

Q1: Okay. Mr. Woods are you prior military? No, okay. Somebody - for some reason we got some information that you might have been in the Marine Corp or something like that. Not true? Okay. Okay, this is what I'm gonna do. It's gonna be pretty difficult for you to drink with your hands behind your back. Okay. Huh. Thought all these keys worked. Well, I'm gonna try the other one. Pretty sure you don't wanna wear these permanent so, let me go see if I can find the key. Sorry about that. I can't get those cuffs off of him.

?: Did you click a left or click a right.

VOLUNTARY STATEMENT

PAGE 4

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

Q1: I don't know I tried - I tried doing it both directions.

?: This was a bad sucker that was different. It might work, it might not.

Q1: Huh, what'd you do different?

?: Click 'em to the left and click 'em to the right.

Dispatch: Negative wants local and NCIC and I'm not getting anything for a Henry.

Q1: All right.

Q: What happened?

Q1: I couldn't get the handcuffs off of him.

Q: Oh, do you want a longer key I got a longer one.

Q1: No, Sminks taking 'em off.

Q: Okay.

?: All right. Oops.

Q1: Keep your hands on the table there.

A: Mm-hm.

?: Okay, there's your water. Okay in a minute we're gonna get pictures of your hands, swab your hands, take your clothes that sort of stuff. And we'll give you something to dress in okay.

Q1: Do you wanna - how long is it gonna take to do the - be ready to do the swabs?

?: They're ready, anytime now, just a minute.

Q1: Okay.

A: Shit I been in the street for two weeks, I'm cramping up. I think I'm dehydrated

VOLUNTARY STATEMENT

PAGE 5

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

all over.

Q1: Yeah.

A: Yeah.

Q1: Gonna need another one is that too cold?

A: No I'm gonna be all right.

Q1: You want one that's like room temperature?

A: It's fine, thank you.

Q1: Okay.

A: It's all right.

Q1: All right.

A: Ah.

Q1: She's using the bath - restroom the one that needs to do that with you.

?: Fletcher looks familiar.

Q1: What's that?

?: Hm, just remembered.

Q1: Oh, yeah. Yeah. Ready?

Q2: Oh, yeah what am I doing?

Q1: Swabs.

?: Next time it's so far.

Q2: Okay, can you, ah, turn around this way.

A: Facing you?

VOLUNTARY STATEMENT

PAGE 6

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

Q2: Yeah, face me, uh-huh.

?: Turn your chair yeah.

Q2: And just put your hands down like that for me. A little bit closer together, there you go. Okay and fold 'em over, a little closer together. Okay, hang on let me redo that one. Okay. And actually, how about like this.

A: Ah.

Q1: This thing work?

Q2: Yep.

A: Uh-huh.

?: Do you have anything on your hands? All right, no.

Q1: We didn't notice anything in particular but.

?: Okay. Tell him to, um, keep away from (unintelligible) okay let me see your arms.

Q2: Oh.

?: (Unintelligible).

Q2: Hands if I want. I don't know if you can go there.

?: (Unintelligible) while we have you here would it be all right if we collect a DNA sample from you?

A: I didn't bite nobody.

?: I know but we have to be able to eliminate your DNA from any - everyone else's. Would that be okay?

VOLUNTARY STATEMENT

PAGE 7

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

A: That's fine.

Q1: Do you have a kit?

?: I will, ah, I will get one and I will get a consent card too. Um, Sammy can you grab.

Q1: Are you left handed or right handed?

A: I'm a man of ambidextrous.

Q1: Are you?

A: You can tell these are old I could cut them off (unintelligible).

Q1: Yeah.

A: Instead of trying to hem 'em.

Q1: Yeah. What are you working on in there (unintelligible) or something?

A: No

Q1: Oh yeah.

A: (Unintelligible).

Q1: Sounds good. When they take your DNA it's just a swab inside your mouth. Just like this only inside your mouth, it gets the cells of your mouth and they're called buccal. So that's.

?: Okay he's getting a kit to do that I'm just gonna get this together so I have it.

Q1: What's the Event# ?

?: 1508053825. Is it the 6th today?

Q1: Yeah.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 8

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

?: What's your name?

A: Leonard Woods.

?: Date of birth?

A: 01-02-69.

?: DNA sample, hold up, do you call it a buccal or a buccal?

Q1: A buccal.

?: We call it a buccal too. I did it both ways. Okay, here's your - here's the consent, ah, it's your name you're basically giving us, ah, permission to take from your person a DNA sample buccal - it's called a buccal swab kit and then I just put on there the hand swab that we already did so. You okay?

A: This is pretty serious you're not taking my clothes she could die. Oh no. Oh no, no. Oh God sorry. No. No, no. Oh no. Oh no, no God no. Oh. Oh, no oh, no, oh, oh, no, no.

?: You want to take another drink?

A: Oh no, no she's not gone, no. Oh God no. Oh no. Oh, oh.

?: Let's get this done and then we can leave you alone for a few minutes to compose yourself okay?

A: Oh no, no. No.

?: Mr. Woods.

A: No, God no. Please no. No.

?: Let's go ahead and get this done so then you can - we'll give you a few minutes,

VOLUNTARY STATEMENT

PAGE 9

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

to kind a, compose yourself okay? They've got the kit here and they're ready to do that okay? Hey, is - is there any tissue out there?

Q1: Ah, yeah.

A: Oh no, no.

Q1: Thank you, here's some tissue.

A: God no, no, no, no God no. Oh no, no, no, no God no. No, no, no, no. No, no, oh no, oh my God no, oh. Ah. No, she's dead. No please God no.

?: Do you want to go over this do you need me to read it to you completely? Or you want to go over it or you wanna read it yourself? I think you already read part of it huh? If you - as long as you understand this, um, we're just - we're collecting for our investigation from your person, ah, DNA sample buccal swab that's this over here it's just a little swab inside your cheek. And then I just put the hand swabs on there but, okay.

A: Oh, shit, fucking kidding me.

?: Hey, he just needs - like, I said it's just a couple little swabs off the inside of each cheek and then we're - we're good there. Just open your mouth up. All right, do you have underwear on?

A: Yes I do.

?: Yes. Okay, well I'm sorry.

A: They're a little dig.

?: They're a little dig. Okay, I'm sorry we don't have something better but we have

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 10

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

this.

A: It don't even matter.

?: It's like a little plastic suit that you can, so we'll need your shoes, your socks, um, your pants and your shirt. We don't need the boxers do we?

Q1: No.

?: Okay. Um, so if you could just pick those up and put - put them in the bag there. Do you want the shoes in the same bag with the socks is that okay?

Q1: Yeah.

A: Oh. Oh.

?: We're gonna put your shirt in there and then pants in the last one is that okay?

Q1: Mm-hm.

?: Okay.

A: Oh, oh.

Q1: Excellent.

?: I'm just gonna have you do it.

?: Is it easier to sit - if you put this on by sitting down? Put like the left leg on first or whatever, and then right leg and then you can, ah, bring 'em up to your waist and slide up there. If it gets too hot or too cold you can just do all that.

?: I'm gonna take this dime, I'm gonna put it in with your property okay.

?: Just so if you get hot at all, you know - you know, take it off. Take these off put it on your waist or however you wanna do it man. You want a water you good?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 11

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

Q1: Okay, hey that suits fits good, pretty good, it doesn't usually fit that well. Okay.
Do you need anything else?

A: No.

Q1: Okay. Um, myself, and another Detective will be in, in, a few minutes and just kind of explain to you what's going on and I'm sure you have some questions and, um, we'll go from there okay. We'll just give you a few minutes.

A: Oh, no, oh, fuck me man, oh fuck.

Q1: Okay, this is, ah, Detective Embrey he's actually, ah - he's actually our lead Detective on this case. Um, so he's - he's gonna be the guy with, ah, all the answers. At least, all the answers that we actually know, um. You, as you probably imagined, ah, you are under arrest and you're not free to leave, um, so we need to read you your rights if we wanna talk to you. So that's what I'm gonna do right now, I've got a card here, um, it's Advisement for Custodial Interrogation, so since you are in custody I'm gonna go ahead and read you your rights from the card okay. Do you understand that? Okay. If you have any questions while I'm reading 'em just stop me and, ah, we can go over it and I'll explain it - try and explain it a little bit better okay. You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to the presence of an attorney during questioning. If you cannot afford an attorney, one will be appointed before questioning. Do you understand these rights? Okay is that a yes, I'm sorry.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 12

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

A: Yes.

Q1: Okay what I'm gonna do is I'm just gonna put the date, what time you got, it's the sixth right?

Q: August 6, 0123.

Q1: 0123 hours and I'm gonna sign it. And then I just need you to sign. You're not admitting any guilt you're just saying I read these to you, you understand 'em these are juvenile so they don't really apply to you but, these are the ones I just read to you so feel free to go over them if you want if you have any questions let me know. Okay, all right. Obviously we're gonna have a few questions of you, before we get started into that is - are there any questions that you have for us that you would like us to try and answer for you? You already - you understand already that, um, that Josie didn't make it right. They tried to - they got her to a hospital and they tried to save her but, they couldn't save her. Okay. I'm sorry about that.

A: Oh no, no, please no. Oh shit.

Q1: Leonard, how long were you guys together?

A: Ah, oh.

Q1: Somebody had told me it was something like nine years is that right, longer or shorter?

A: Ah. It was off and on.

Q1: Off and on for?

VOLUNTARY STATEMENT

PAGE 13

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

A: Ah, four or five, about seven years.

Q1: Seven years.

A: Ah.

Q1: Where did you guys end up meeting?

A: Right after my brother died in 07.

Q1: In 07, was that in San Diego? Or...

A: Yes.

Q1: Was she living down there then? Or...

A: She was a prostitute and I was homeless and we met.

Q1: Okay.

A: You know, she started turning tricks until we got here then she got the dog grooming job. There wasn't enough tricks so we didn't have to go out there have her.

Q1: Right. Okay. And that was, ah, somebody told me that's the name of the company it's, like, ah, Dirty Dog Grooming or something - Ugly something. You Dirty Dog Dog Grooming. Okay. They talked to I guess one of her bosses was Kristina do you Kristina?

A: I know of her.

Q1: You know of her okay. So I talked to her - I talked to her briefly. She said that, ah, Josie was like a model employee.

A: Ah.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 14

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

Q1: Is that not true?

A: Of course - of course the company gonna say that - you gotta be kidding no that's not accurate. Man I can't talk bad about Josie no.

Q1: Come on. I mean we're not saying she's perfect or anything but.

Q: No one's perfect.

A: What - what - what led for all this shit was and it's all about what you wanna say. Her and her daughter tried to frame me on the nineteenth, 'cause she wanted out of the relationship. I guess she knew that I was seeing somebody else down in San Diego.

Q1: How'd you.

A: I found out my cell phone was missing for a while so I just put the two and two together so.

Q1: Okay.

A: She confronted me a couple a times with that. And, ah, then she, ah, turns out she still turns tricks on the side. I mean but you guys got her cell phone you'll see that too and takes her daughter with her. It's in the phone so you guy's will know she's not a model employee. She still does her thing just like I do, I hustle, I sell weed, I do what I can to keep the house together. But, anyway, you know, for sure, ah, they put me in jail, for a bogus reason. And knowing my record, I was gonna already have to do a whole bunch a time. Knowing that, you know, they wasn't gonna believe no Black man over no White woman, especially with a

VOLUNTARY STATEMENT

PAGE 15

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

record, like, well we both got records. She got, if you look at her record she got prostitution charges from San Diego all the way up here.

Q1: Okay.

A: Um, so we both, wasn't innocent, you know, we just making our way.

Q1: Uh-huh.

A: So then she found somebody else. I guess that's what's going on. She could a told me to leave, get your shit and leave but, not try to put me away permanently. Trying to fake some gun, she, ah. Damn it I was, ah.

Q1: What - what are you talking about she - they're trying to frame you.

A: Well I got another case on the 19. I go to case on - I go to court on in October. They went and told - well I don't even live at the house. I come over 'cause Josie lived over there with me, and I come over when she's - when she tell me to come over. You know, that's why I say off and on. She done kicked me out many a times and, you know, what I mean but anyway. This last time when I went to jail, she threw all my shit in the middle of the street. Called my family, my relatives told 'em I was a fucking pervert, trying to look at her girls. And I - that's really what led to it. I caught the girl taking pictures of her breasts sending 'em to people on the internet. So when I told her I was gonna tell your mom when she get home or whatever, all of a sudden it's stuck on me like she - I - I don't know man, all of a sudden I got arrested that day talking about there was lewd charges.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 16

EVENT #: 150806-3825
STATEMENT OF: LEONARD WOODS

Q1: Okay so.

A: I guess that wasn't gonna be the case though, after they came 'cause, she said well he - he got guns in the house. And, like, I said if there is, it wasn't mine. Anyway, I was, ah, they kicked me out so I'm on the streets for two weeks.

Q1: What'd you get charged with?

A: They let me out, they said it's pending.

Q1: I know but what was the, ah, charge that they arrested you on?

A: Oh, Lewd Conduct and two, ah, guns.

Q1: Are you, ah, ex-felon?

A: I'm an ex yeah.

Q1: Oh, okay.

A: Right, so she knew that too to say that. It wasn't even my gun that's what really hurt my feelings.

Q1: Okay.

A: So, I'm on the streets, like, the last two weeks just smoking weed.

Q1: So why - why would she need to come up with some sort of an excuse to - to get out of the relationship? Why - why do you think they would do something like that?

A: She knew, well we been both telling each other okay, the end, it's gonna be the end. But I don't understand why she tried to get me so, like - like, I said even if she wanted to tell the police okay, something happened with your daughter which

VOLUNTARY STATEMENT

PAGE 17

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

is false. I - I could a lived with that and got my shit and moved on on but, you know putting some guns on me is gonna make my, you know, what I mean.

Q1: Yeah, I mean.

A: It's ridiculous.

Q1: Yeah.

A: And then they told me, ah, like if you a felon and, you know, if you know that guns in the house she's gonna report you a felon. She tells them that it's gun 'cause she takes 'em right to it - right where they are.

Q1: Mm-hm.

A: And I'm telling 'em I don't even live there, if there are guns in there.

Q1: So she's an ex-felon too?

A: Yeah.

Q1: Oh okay.

A: They didn't take her to jail they just took me to jail.

Q: Oh.

A: I don't know why they did that.

Q1: Okay.

A: So, like I said these last two weeks I've been - I had to calm down to turn myself in just been smoking weed and crack mixed together, could not think.

Q1: When was the last time you - you used drugs?

A: Every day, till tonight. I was fucking high when I saw the truck go by. I couldn't

VOLUNTARY STATEMENT

PAGE 18

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

believe that was my truck going by. You know, its kind a.

Q1: Wh - where were you when you saw the truck? So it's just coincidence that you
- that you saw it?

A: Yeah, I was driving through my old fucking neighborhood.

Q1: And you just happened to see it drive by huh?

A: I, ah, think I should be talking to a lawyer. I don't think it's gonna matter no way.
I don't believe my girl is dead. Can't believe this really happened like this. It
don't make sense to me. Oh.

Q1: You don't wanna talk to us anymore about it?

A: No, I don't care.

Q1: Leonard you don't have to talk to us but, it's pretty important for us to know why -
why this happened. And the only person that can tell us why this happened is
you. You know, I don't think you're a bad person, I'm sitting here and - and I just
only have known you for just a couple of minutes but, I could see the-the pain in
your face and how you're talking.

A: You know what fellows I'm 46 years old, I've seen you guys pulling up my record
before. I know the ins and outs of this, you know, I talked to you guys more than
I probably should have but, my heart is hurting for Josie or I would a clammed up
and said nothing.

Q1: I didn't say that.

A: That's all - that's all I wanna - I know it but you talking this all good cop and that

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 19

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

ain't gonna work with me.

Q1: Dude I'm not talking the good cop and I haven't even looked at your record.

A: Well, I'm just saying it's not good. I claimed it's not healthy and hers not either,
ah, it is what it is man I hurt.

Q1: But I'm being completely truthful. I mean we can go on what the video shows,
what the witnesses say, but the only person that can tell me what happened out
there or the reason why it happened is you. This isn't a good cop bad cop, I
could yell and scream and cuss at you.

A: Mmm.

Q1: But I'm an adult, you're an adult.

A: Mm-hm. Yeah.

Q1: Right?

A: Yeah, but.

Q1: I mean you do realize it was a parking lot full of a bunch of people, right.

A: Um, not really.

Q1: It's Walgreens you gotta know there's video surveillance.

A: I know, well I wouldn't know.

Q1: Huh?

A: Oh.

Q1: You know, what I'm saying?

A: I know there's video.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 20

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

Q1: I'm - I'm not trying to play a - I'm not trying to play a game on you.

A: I understand there's surveillance but, I was, like, I didn't really.

Q1: I know.

A: Check 'em to see if they do work.

Q1: There's two people standing right there.

A: Huh?

Q1: There was two people standing right on the sidewalk when all this happened.

A: Dude I was so high I didn't see I didn't - I don't, oh.

Q1: But we're not trying to play a game here with you.

A: I'm in a fucking bad dream. My girl wasn't supposed to die man. Never, thought that ever.

Q: Well, no, I can't - I can't actually ask you anymore questions, until - unless you want to - unless you want to continue talking to us so.

Q1: And you don't have to yeah. But we're not here to play games with you and, like I said the only person that can tell us why this happened is you.

A: A sickness. Josie fucking meant everything to me, I don't know why. Ah. Oh not only Josie I don't believe you guys didn't tell me I fucking killed somebody. As bad as my shit is in my life, I don't fucking kill.

Q1: Well we're not lying unfortunately, I wish we were but, that is not something that we're - that we're lying about.

A: Oh. The rest of my life is done.

VOLUNTARY STATEMENT

PAGE 21

EVENT #: 150805-3826

STATEMENT OF: LEONARD WOODS

Q1: Well and that's one of the reasons - that's one of the reasons why Detective Embrey is - he's trying to explain that, you know, this is an opportunity for you to explain, you know, hey I - I didn't mean this to happen or whatever or what - I - I have no idea what you wanna say. But, ah, you know, this is an opportunity now if you, ah, if you decide you wanna wait for your attorney. I mean, you know, how it works you said you've been through this before, you know. I'm pretty sure I know what an attorney will tell you. The attorney will probably say don't say anything.

A: Mm-hm.

Q1: So, um, it - it.

A: I think I been saying too much as it is.

Q1: Well, I guess that depends on what you want to accomplish. Where you wanna end up, what you wanna do.

A: Man nothing I say is gonna bring her back.

Q1: Yeah you're right.

A: It doesn't really matter.

Q1: None - none of it will bring her back that is true, ah, none of it will bring her back no matter what you say.

A: Right

Q1: Ah, it's not gonna bring her back.

A: Oh.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 22

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

Q1: It's just really - it's just I guess it's just it ends up being what kind of a man are you, you know, how do you want to leave this. That's - that's really where it ends up, you know, Detective Embrey's got video, he's got witnesses, um, you know.

A: What kind of a man am I? I turned myself in, I mean I gave (unintelligible).

Q1: Yep you're right about that. That says - that says a lot, that definitely says a lot about you, so.

A: What a predicament.

Q1: And I do not doubt that at all too.

Q: But you - you know - you know, you been through the system you're gonna deal with the people.

A: What a game.

Q: That are gonna be making decisions about what's gonna happen is gonna want to know what you were thinking and why this happened. You know that. Hey I'm not bullshitting you, I'm not playing the mister nice guy.

A: Yeah everybody wanna know why, I mean you have to tell 'em what they wanna know.

Q: No but there are gonna be some people making decisions about what's gonna happen.

Q1: Yeah. Well it's up to you I mean you - you however you wanna leave it. Whatever you wanna I mean, this is your chance - you make, this is your chance to take care of this however you want to take care of it.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 23

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

A: Ah.

Q1: You know.

A: Yeah.

Q1: And I guaran- I guarantee you you're not gonna have another opportunity to do this.

A: To do what, tell 'em my side?

Q1: Yeah. To talk to - to tell us what happened.

A: I tell him and that shit gonna come all out in court.

Q1: Well maybe it might - it might.

Q: It's - it's not gonna change the way we treat you. Whether you talk to us or whether you don't. I'm not gonna start yelling and playing like the mister bad cop. This is what you see is what - wha we are.

A: Mm-hm.

Q: You're a man, you turned yourself in, you know, I'm gonna treat you with the respect that you're treating me. So is Detective Wilson.

A: You know I can't believe how this guy treated me when I had fucking murdered somebody he didn't even tell me.

Q1: Who me?

A: Yeah.

Q1: Oh not telling you?

A: No just still the way you treated me after you knew. I didn't even know she was

VOLUNTARY STATEMENT

PAGE 24

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

gone.

Q: That's how we treat everyone.

Q1: Yeah, I mean you're a human being.

A: I'm a murderer.

Q1: But you're a human being no matter what, you know.

Q: Everyone deserves common decency.

A: Oh fuck. I didn't mean to, I did not mean to.

Q1: Well that's what we'd like to talk to you about. But, if you don't - if you don't want to, just, you know, just let us know and we'll, you know, we're not gonna ask you anymore - any questions until you feel comfortable that you wanna talk to us, so, um.

Q: It's entirely up to you.

Q1: Yeah.

Q: And it's not gonna change - like I said how we treat you.

A: Well, can I just go to jail lay down.

Q1: You don't wanna talk to us, that's exactly what's gonna happen.

Q: It will be a while, 'cause we've got some paperwork we gotta fill out. But it's - it's gonna - that's - that's what's gonna happen, you're gonna end up at jail so.

Q1: It won't be too long though okay. And if you need more water you definitely let us know or whatever. All right, do you have any questions for us?

A: I don't even know why it happened. I just snapped obviously, I didn't wanna kill

VOLUNTARY STATEMENT

PAGE 25

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

Josie. Oh. Oh.

Q: This is probably the hardest thing you're ever gonna have to go through in your entire life. It took a lot of courage to do what you did, to turn yourself in.

A: I didn't even have any inkling (unintelligible). It was fucking, like, a fucking dream, I was so high I swear. I was so fucking high and fucked up I don't know man I was just getting out a control.

Q: Well, those are the kinda questions that we would like to ask you. You know. Things like, you know, what - what led up to - what led up to this. What kind of state of mind were you in, what kind of state of mind was she in, you know, all these kinds of things. I know you're probably exhausted, you know, especially if you've been on the street for an extended period of time. So, hm, you wanna - you wanna hold off?

A: Hold off what?

Q: Hold off on talking to us?

A: Yeah I'm just ready to go into jail man.

Q: Okay, um, we - like I said we've got some paperwork to fill out, so we're gonna do that. Um, we're gonna bring in a set of handcuffs I just want, we're gonna handcuff one, just one hand to - to the, ah, to the table here, ah, 'cause you are under arrest, for Murder - Murder with a Deadly Weapon. Okay, um, so. Do you need to use the restroom or anything Leonard?

A: Ah, no I'm good.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 26

EVENT #: 160805-3825
STATEMENT OF: LEONARD WOODS

Q: Okay you got - you've got a little bit of water left if - if you run out, you need some more just let us know. We'll be glad to get you some more water, okay.

Q1: Do you have any questions for me, I'm - I'm gonna be leaving and I'm probably the one person that can answer some questions for you if you have any.

A: Ah, I don't even wanna ask the stupidest question of all.

Q1: Nothing's a stupid question man.

A: You guys.

Q1: Look at me nothing's a stupid question.

A: You guys sure she's gone - she's gone they couldn't operate or nothing?

Q1: Leonard and I'm sorry to say this, we're not running a game on you, she is dead.
Okay.

A: What the fuck, it - that can't be no.

Q1: You need anything else Leonard?

A: Oh my God. Oh, fuck.

Q: I talked to the Detective that was at the hospital and it's - it's for sure, she was - she was stabbed a - a lot. She had numerous stab wounds that caused her death so.

Q1: Are you gonna - are you gonna use the tissues, there's some, ah, tissue there do you wanna take a few out just in case or.

A: Take 'em.

Q1: Go ahead and take 'em okay. All right, all right Leonard I'm just gonna go grab a

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 27

EVENT #: 150805-3826
STATEMENT OF: LEONARD WOODS

set of handcuffs and then I'll be right back okay.

A: Oh.

Q1: Right or left, do you care? Wanna use this one, okay.

A: Or is this one closer to.

Q1: Doesn't matter whatever, whichever one.

A: Oh shit.

Q1: Okay be careful about, ah, 'cause when you kinda move it around, it could
tighten up on you okay.

A: Get tight. Oh my God.

Q1: All right, is that okay?

Q: I think you got something under there.

Q1: All right, if you need anything push the holler okay.

A: Ah.

Q: Hey Leonard we're just about done with the paperwork, ah, I've got - I've got two
questions that I need to ask you but I can't ask you without your permission.
Would you be willing to at least let me ask you two questions without your
attorney here?

A: That don't mean I'm gonna answer 'em.

Q: Yeah I understand but, I'm - I'm not even supposed to ask you questions without
- If you ask for your attorney I'm not even supposed to ask you any questions.
So in order for me to even ask the questions, I need you to say yeah it's okay

VOLUNTARY STATEMENT

PAGE 28

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

with me to do it without my attorney.

A: Start.

Q: It's okay?

A: Start.

Q: Okay two questions. The car that you were in, um, I'd like to know where that is and the knife that was used. I'd like to know where that is, those two things. Are those things that you would be willing to let me know where they are?

A: You know I told you all I was so high I don't even know.

Q: You don't know what happened to 'em, any - any guesses?

A: Just stabbed in circles.

Q: You what?

A: Just got out and started walking.

Q: Oh after you drove away, you got out somewhere and started walking? Okay. The, ah, whose car was it? That's another question sorry.

A: Yeah you said two.

Q: I said two - I said two sorry.

A: Ah, I was so high I don't remember. I know I didn't steal it 'cause I had the key, well I guess that don't mean. You just don't know, when you're smoking dope for a week miserable about my living condition. So I - I was just fucking out of it.

Q: Yeah.

A: Fuck I didn't want to kill her. I fucking killed Josie.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 29

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

Q: Can I ask you another question, sorry I'm getting greedy. Would that be all right?

A: Mm-hm.

Q: You don't have to answer it if you don't want to I just, would that be okay?

A: Mm-hm.

Q: Um, what ty - do you know what type of car it was?

A: Mm-mm I mean if they got video that should tell what kind of car it is.

Q: Yeah we know - we know it's an older model, ah, four door but, ah, we think it's a Ford but we don't really know. I don't know my vehicle types for older models that well.

A: Mm-hm.

Q: So I was just wondering if you could help us out with that. No?

A: I don't remember.

Q: You don't remember what kinda car it was?

A: Hell no I don't even remember the (unintelligible) but, I know I wasn't fucking dreaming.

Q: Well I mean you knew enough to realize something bad had happened. Right, I mean otherwise you wouldn't have approached the officers and said I need to turn myself in.

A: Yeah I didn't know that I did something that bad to her. I don't even know if I would have turned myself in. If she.

Q: If you'd realized that she was dead? You don't think you'd turn yourself in?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 30

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

A: I didn't say that, I don't know what I - I - I'd it'd been a whole different feeling.

Q: Yeah, it sure would have wouldn't it.

A: Oh. No. Oh.

Q: Well, we work in Homicide and they don't call us out unless somebody's actually dead so. It did happen, unfortunately.

A: I know but, I - I could a swore that I heard her talking when I left but, I'm not sure.

Q: That's entire - that could be - that could be, but, ah, the injuries she sustained were just too - too much for her to survive and as time passed it just got worse and worse and worse until.

A: They didn't get - they couldn't get to her in time?

Q: They tried - they tried, you know, they actually transported her people there tried to help her and stop the bleeding and stuff but, you know, I mean they tried.

A: I ain't never hurt Josie a day in my life.

Q: I'm sorry?

A: I never hurt Josie a day in my life.

Q: Oh you never hurt Josie okay. Well what made tonight different?

A: It seemed like it wasn't even real I don't.

Q: Do you think you felt betrayed maybe?

A: Well more than that all kind - I was going through all kinda shit the last couple of weeks.

Q: Yeah, hurt, pissed.

VOLUNTARY STATEMENT

PAGE 31

EVENT #: 150805-3825

STATEMENT OF: LEONARD WOODS

A: Yeah, all of the above.

Q: Yeah.

A: Yeah not - not really pissed enough to get - man hurt her, make her think about it. But not fucking kill Josie that's not fucking ah, its fucking hard man I can't even think if I can fucking stab my damn self. Anymore, I'd like to be able to hurt or something. Oh.

Q: Well it kinda looks like you kinda hunted her down, you know. That's what it kinda looks like.

A: I just saw her car and fucking snapped.

Q: Yeah but you, ah, I mean they weren't in the car when, I guess they were but when they parked they both went inside right? And then you waited. So that's - that's kind a, the part that makes it look bad for you is that kinda lying in wait is what they call it. You know, lying in wait makes it look - makes it look a lot worse then, kinda just snapping.

Q: The video makes you look really - really bad Leonard.

Q1: Paperwork here all done?

Q: Mm-hm.

Q1: Okay. We done?

Q: Do you wanna know, what the video, I can explain the whole entire video to you if you want. And I'm not lying, I'll shoot it to you straight.

A: Please don't - please don't - please don't.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 32

EVENT #: 160805-3825
STATEMENT OF: LEONARD WOODS

Q: That's why it's just so important for us to hear your side of it man 'cause I can tell you this.

Q1: Did that tighten up on you?

Q: Just not looking good.

Q1: Let me get that, ah, for the officers.

Q: Well obviously, ah, we've got a few more questions we'd like to ask you but, again we can't ask 'em unless - unless we have your permission. So if we don't have your permission, I guess we'll just go ahead and transport you to the jail and get you booked then and all that. So, um, if - if we can ask you a few more questions we'd appreciate it if not then, you know.

A: I'm ready.

Q: It's up to you.

A: I'm ready to go.

Q: Ready to go. All right. Okay, nothing for us, no questions?

Q1: Wanna bring him out and.

Q: Yeah I'll.

Q1: Just have him sit on the.

Q: Okay.

Q1: Seat out here.

Q: So I don't have a key.

Q1: I've got a key. But I don't know how to unlock it. Let's see if I can - see if I can

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 33

EVENT #: 150805-3825
STATEMENT OF: LEONARD WOODS

do this. Yeah It worked. Okay go ahead and stand up. Do you wanna finish your water before, ah.

A: No, I'm okay.

Q1: You're okay. All right, go ahead and turn around and Detective Embrey will put that on you.

Q: Do you know how to lock those. Sorry Leonard I'm not trying to hurt you or anything okay.

Q1: What are you doing?

Q: Ah, let's walk these around.

Q1: Upside down?

Q: Yeah. Can you bend over a little bit more at the waist? There you go. Actually I think Patrol just wants to come in with their hooks. I don't think he's gonna act up.

Q1: Man you got some hooks we can put on him?

Q: Go ahead and stand up. ID's in there?

Q1: No just I'll put his ID in there. You okay?

A: I'm okay.

Q1: Just kinda pinch for a second. Okay. Hey don't seal up his property there's this dime that fell out of his things.

Q: Okay.

A: Ah.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 34

EVENT #: 150806-3826
STATEMENT OF: LEONARD WOODS

Q: You done with this Leonard?

A: Mm-hm.

Q1: I'll throw it away okay?

THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400 S. MLK BLVD. ON THE
6TH DAY OF AUGUST, 2015 AT 0218 HOURS.

BE:Nettranscripts

15V0625

B8644e@08/20/15 – 1548 hours

EXHIBIT “E”

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

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff

v.

Larry Loucious,

Defendant

2:15-cr-00106-JAD-VCF

**Order Sustaining Objections, Adopting
Report and Recommendation in Part,
and Granting in Part and Denying in
Part Motion to Suppress**

[ECF 21, 59, 64]

Larry Loucious stands charged with one count of being a felon in possession of a firearm.¹ Loucious moves to suppress the revolver that was recovered from a car that he was riding in during a March 2015 traffic stop and his statement about the gun.² He argues that police lacked probable cause to search the car³ and that the detective's *Miranda* warnings were insufficient.⁴ Following an evidentiary hearing, Magistrate Judge Hoffman issued a report recommending that I deny Loucious's motion in its entirety.⁵ Loucious objects.⁶ Having reviewed the objected-to portions of Magistrate Judge Hoffman's findings and conclusions de novo, I sustain Loucious's objections, adopt Magistrate Judge Hoffman's findings and conclusions to the extent they are consistent with this order, deny Loucious's motion to suppress the gun, and grant his motion to suppress his statements.

¹ ECF 1.

² ECF 21 (motion to suppress); ECF 41 (supplement to motion to suppress).

³ ECF 21 at 3.

⁴ ECF 41 at 2-3.

⁵ ECF 59.

⁶ ECF 64.

Background

A. The search of the vehicle and Loucious's interrogation

On March 28, 2015, Las Vegas Metropolitan Police Department (Metro) Officer P. Sherwood was patrolling near the intersection of Michael Way and Eugene Avenue in Las Vegas, Nevada, when he clocked a Jeep driving 42 mph in a 25 mph zone.⁷ Officer Sherwood activated his motorcycle's patrol lights and siren; the Jeep promptly pulled over.⁸ Officer Sherwood testified that when he approached the driver's-side window, he smelled marijuana emanating from inside.⁹ Three men and one woman sat inside.¹⁰ Loucious sat in the backseat on the driver's side.

Officer Sherwood obtained a driver's license, proof of insurance, and registration from the driver.¹¹ A records check revealed that the driver had outstanding arrest warrants.¹² Planning to arrest the driver because of the warrant and to search the Jeep because it smelled like marijuana, Officer Sherwood called for back-up and requested identification from each of the passengers.¹³

Back-up Officer Zachary Davis arrived moments later, and Officer Sherwood gave him the passengers' I.D.s so that Davis could run them. The records check revealed that Loucious also had an outstanding arrest warrant.¹⁴ The officers removed everyone from the Jeep and placed Loucious and the driver under arrest on their outstanding warrants.¹⁵

Officer Sherwood then searched the Jeep and discovered a revolver in the backseat where

⁷ ECF 59 at 1–2.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

1 Loucious had been sitting. The officers obtained a warrant and seized the gun. Before interrogating
2 Loucious, a third officer, Detective Costello, read Loucious his rights:

3 You understand you have the right to remain silent. You understand
4 that anything you say can be used against you in a court of law. You
5 have the right to the presence of an attorney during questioning and if
 you cannot afford an attorney, one will be appointed before
 questioning. Do you understand those rights?¹⁶

6 Loucious then admitted that he had touched the gun a few days earlier.¹⁷ Loucious now moves to
7 suppress the gun and his statements.¹⁸

8 **B. Magistrate Judge Hoffman's report and recommendation and Loucious's objections**

9 Magistrate Judge Hoffman recommends against suppressing the gun because, as a passenger
10 with no ownership or possessory interest in the Jeep, Loucious lacks standing to challenge the
11 search.¹⁹ Magistrate Judge Hoffman also concluded that the 23-minute delay from the time the
12 vehicle was stopped until Loucious was arrested (based on the outstanding warrant) was reasonable
13 under the circumstances.²⁰ Finally, he recommends against suppressing Loucious's statements
14 because the entirety of the warnings given to Loucious sufficiently conveyed his *Miranda* rights.²¹

15 Loucious does not object to the magistrate judge's recommendation against suppressing the
16 gun. But he does maintain that the *Miranda* warnings given to him were insufficient: they did not
17 convey his right to *consult with counsel before questioning*, only that he had a right to have an
18 attorney present *during* questioning.²²

21 ¹⁶ ECF 59 at 6. The warning is memorialized in the transcript of Loucious's interview and not in
22 dispute; *see also* ECF 42-2 (Metro's standard warning).

23 ¹⁷ *Id.*

24 ¹⁸ ECF 21; ECF 41.

25 ¹⁹ *Id.* at 4.

26 ²⁰ *Id.* at 5.

27 ²¹ *Id.* at 8.

28 ²² ECF 64 at 2.

Discussion

A. Standards of review

A district court reviews objections to a magistrate judge's proposed findings and recommendations de novo.²³ "The district judge may accept, reject, or modify the recommendation, receive further evidence, or resubmit the matter to the magistrate judge with instructions."²⁴ The standard of review applied to the unobjected-to portions of the report and recommendation is left to the district judge's discretion.²⁵ Local Rule IB 3-2(b) requires de novo consideration of specific objections only.²⁶ Because Loucious does not object to the magistrate judge's recommendation against suppressing the gun, I adopt that portion of the report and recommendation without review. But I review de novo Magistrate Judge Hoffman's determination that the warnings Loucious received reasonably advised him of his *Miranda* rights.

B. Detective Costello's *Miranda* warnings did not reasonably convey Loucious's right to consult with counsel before questioning.

In *Miranda v. Arizona*, the Supreme Court prescribed four warnings that must be given to a suspect before custodial interrogation in order for the government to admit the suspect's statements in its case in chief:

[A suspect] must be warned [before] questioning (1) that he has the right to remain silent, (2) that anything he says can be used against him in a court of law, (3) that he has the right to the presence of an attorney, and (4) that if he cannot afford an attorney one will be appointed for him [before] any questioning if he so desires.²⁷

²³ *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (a "district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise."(emphasis added)).

²⁴ *Id.*

²⁵ *Id.*

²⁶ See Nevada L.R. IB 3-2(b) (requiring de novo consideration of specific objections only); *Carillo v. Cate*, 2009 WL 2575888, at *1 (S.D. Cal. Aug. 17, 2009) (noting that "generalized objections" do not require de novo review).

²⁷ *Miranda v. Arizona*, 384 U.S. 436 (1966).

1 A valid waiver of a defendant's *Miranda* rights requires that the suspect be informed both
 2 that (1) he has the right to have counsel present *during* questioning, and (2) that he has the right to
 3 consult with counsel *before* that questioning.²⁸ Rigid adherence to the *Miranda* formulation is not
 4 required as long as "the warnings reasonably 'convey to a suspect his rights as required by
 5 *Miranda*.'" ²⁹ The absence of specific language does not render a warning inadequate if the omitted
 6 right may "be inferred from the warnings actually given."³⁰ But if the "combination" of the warnings
 7 "is in some way affirmatively misleading" and makes "such an inference less readily available," the
 8 warnings may be deemed inadequate.³¹ The question here is whether Detective Costello's
 9 warnings—"[y]ou have the right to the presence of an attorney during questioning and if you cannot
 10 afford an attorney, one will be appointed before questioning"³²—when read together, adequately
 11 conveyed Loucious's *Miranda* rights.

12 One of *Miranda*'s central tenets is "that an individual held for interrogation must be clearly
 13 informed that he has the right *to consult* with a lawyer"³³ In *People of Territory of Guam v.*
 14 *Snaer*, the Ninth Circuit held that Guam's form warning: "you have a right to consult with a lawyer
 15 and to have a lawyer present with you while you are being questioned" sufficiently notified the
 16 suspect of his right to counsel.³⁴ The panel reasoned that "the first part of th[e] sentence read in the
 17 context of the latter half of the sentence" adequately conveyed "notice of the right to consult with an
 18

19
 20 ²⁸ *California v. Prysock*, 453 U.S. 355, 359 (1981); *People of Territory of Guam v. Snaer*, 758 F.2d
 1341, 1342 (9th Cir. 1985) (citing *United States v. Noti*, 731 F.2d 610, 614–15 (9th Cir. 1984)).

21 ²⁹ *Florida v. Powell*, 559 U.S. 50, 60 (2010) (quoting *Duckworth v. Eagan*, 492 U.S. 195, 203
 22 (1989)).

23 ³⁰ *United States v. Connell*, 869 F.2d 1349, 1352 (9th Cir. 1989).

24 ³¹ *Id.*

25 ³² ECF 59.

26 ³³ *Miranda*, 384 U.S. at 471 (emphasis added); accord *Powell*, 559 U.S. at 53 (quoting *Miranda*, 384
 27 U.S. at 471).

28 ³⁴ *Id.*

1 attorney before questioning,”³⁵ even though it did not explicitly warn him of that right. But the panel
 2 cautioned that, though the warning “me[t] the minimum requirements of the Constitution, it would
 3 not be amiss for Guam to revise its form to more clearly warn of the right to consult with counsel
 4 before questioning.”³⁶

5 Unlike Snaer, Loucious was not advised he had any right to consult with counsel at all; he
 6 was just told that he had “the right to the presence of an attorney during questioning” and that, if he
 7 could not “afford an attorney[,] one [would] be appointed before questioning.” Had the warning
 8 simply said “you have the right to the presence of an attorney,” I might conclude that a reasonable
 9 person could infer that the right extends to all stages—before, during, and after questioning. But the
 10 language here is more limiting: it advised Loucious that he had the right to the presence of an
 11 attorney “*during questioning*,” suggesting that “*during questioning*” is the only time the attorney may
 12 be present.³⁷ Adding “and if you cannot afford an attorney, one will be appointed before
 13 questioning” did nothing to suggest Loucious’s right to an attorney was broader than merely having
 14 an attorney standing by during questioning. If anything, this additional language suggests that the
 15 attorney could be appointed immediately before questioning for the sole purpose of being present
 16 during questioning, and it prevents the reasonable inference that the right to an attorney extends to
 17 the pre-questioning phase of the process.³⁸

18
 19 ³⁵ *Id.*

20 ³⁶ *Id.*

21 ³⁷ “In order to be valid, a *Miranda* warning must convey *clearly* to the arrested party that he . . .
 22 possesses the right to have an attorney present prior to and during questioning.” *United States v. San*
Juan-Cruz, 314 F.3d 384, 388 (9th Cir. 2002) (emphasis original).

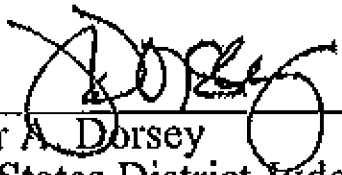
23 ³⁸ Other judges in this district have similarly found that the absence of the right-to-consult-before-
 24 questioning warning renders *Miranda* warnings inadequate. See *United States v. Chavez*, 111 F.
 25 Supp. 3d 1131, 1146 (D. Nev. 2015) (finding verbatim warning defective and suppressing
 26 statement); *United States v. Toliver*, 480 F. Supp. 2d 1216, 1241–42 (D. Nev. 2007) (holding that
 27 “*Miranda* is not satisfied by simply advising the defendant that he has the right to counsel, without
 28 also advising him that he has the right to consult with counsel prior to questioning or to have counsel
 present during questioning” and suppressing statements). But see *United States v. Waters*, 2016 WL
 310738, *7 (D. Nev. Jan. 26, 2016) (denying suppression motion that challenged the same language
 rejected in *Chavez* and reasoning, “defendant would be able to grasp the substance of what he was

1 Because Loucious was not advised that he had a right to consult with a lawyer before
2 questioning—and because that right could not have been inferred from the warnings given—I grant
3 Loucious’s motion to suppress his custodial statements.

4 **Conclusion**

5 Accordingly, IT IS HEREBY ORDERED that defendant’s objections to the magistrate
6 judge’s report and recommendation [ECF 64] are **SUSTAINED**; the magistrate judge’s report and
7 recommendation [ECF 59] is **ADOPTED** to the extent it is consistent with this order; and
8 defendant’s motion to suppress [ECF 21] is **DENIED in part and GRANTED in part**. The
9 government may not introduce Loucious’s custodial statements in its case in chief.

10 DATED February 19, 2016

11
12 
13 Jennifer A. Dorsey
United States District Judge

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 told—that he had the right to appointed counsel if he could not afford a lawyer and that right exists
both before and during questioning.”).


CLERK OF THE COURT

PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-15-309820-1
)	
v.)	DEPT. NO. XII
)	
LEONARD RAY WOODS,)	DATE: <u>3 / 29</u> , 2016
)	TIME: 8:30 a.m.
Defendant.)	
_____)	

MOTION TO COMPEL PRODUCTION OF DISCOVERY

COMES NOW, the Defendant, LEONARD RAY WOODS, by and through JULIA M. MURRAY and JORDAN S. SAVAGE, Deputy Public Defenders and hereby requests that this Honorable Court compel production of discovery as outlined below.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 15th day of March, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Julia Murray
JULIA M. MURRAY, #10939
Deputy Public Defender

By: /s/ Jordan Savage
JORDAN S. SAVAGE, #5480
Deputy Public Defender

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

DECLARATION

JULIA M. MURRAY makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 15th day of March, 2016.

/s/ Julia Murray
JULIA M. MURRAY

1 **I. STATEMENT OF FACTS**

2 Defendant Leonard Woods is charged with Murder with Use of a Deadly Weapon (First
3 Degree), four counts of Peeping or Spying Through a Window, Door or Other Opening of a
4 Dwelling of Another While in Possession of a Recording device, two counts of Capturing an
5 Image of the Private Area of Another, Open and Gross Lewdness and Ownership or Possession of
6 Firearm by Prohibited Person. The charges are alleged to have occurred over approximately a six
7 month timeframe on six different dates – March 9, 2015; March 10, 2015; March 23, 2015; April
8 21, 2015; July 17, 2015; and August 5, 2015.

9 **II. POINTS AND AUTHORITIES**

10 **A. PROSECUTORS ARE REQUIRED TO DISCLOSE BOTH INCULPATORY AND**
11 **EXCULPATORY INFORMATION PRIOR TO TRIAL.**

12 **1. Prosecutors must disclose inculpatory evidence.**

13 Nevada Revised Statute 174.235 requires disclosure of:

- 14
- 15 1. Written or recorded statements or confessions made by the defendant, or any
16 written or recorded statements made by a witness the prosecuting attorney
17 intends to call during the case in chief of the state, or copies thereof, within the
18 possession, custody or control of the state, the existence of which is known, or
by the exercise of due diligence may become known to the prosecuting
attorney.
 - 19 2. Results or reports of physical or mental examinations, scientific tests or
20 scientific experiments made in connection with the particular case, or copies
21 thereof, within the possession, custody or control of the state, the existence of
which is known, or by the exercise of due diligence may become known, to the
prosecuting attorney.¹
 - 22 3. Books, papers, documents, tangible objects, or copies thereof, which the
23 prosecuting attorney intends to introduce during the case in chief of the state
24 and which are within the possession, custody or control of the state, the

25 ¹This includes medical data/imaging/films/reports and/or slides, histological, colposcopic, or otherwise. The Sixth
26 Amendment's right to counsel obligates defense counsel to conduct "an adequate pre-trial investigation into []
27 medical evidence." Gersten v. Senkowski, 426 F.3d 588, 605 (2d Cir. 2005). This duty includes obtaining and
28 reviewing pertinent medical imaging such as colposcopic slides, even when the State's medical expert has opined that
the medical examination(s) reveal no significant findings or are otherwise "normal." Id. at 605, 607-10 ("If a medical
examination of the alleged victim failed to reveal any evidence clinically indicative of sexual penetration, that failure
would constitute strong affirmative evidence that forced sexual penetration did not occur."). Thus, the discovery
obligation(s) set forth in NRS 174.235(2) require prosecutors to disclose otherwise invasive physical imaging and/or
testing..

1 existence of which is known, or by the exercise of due diligence may become
2 known, to the prosecuting attorney.

3 **a. Prosecutors must disclose all inculpatory evidence, regardless of whether**
4 **the material is intended for use in the government's case in chief.**

5 Prosecutors may not lawfully withhold inculpatory material and information from the
6 defense simply because they do not intend to present the material or information during the
7 government's case in chief. State v. Harrington, 9 Nev. 91, 94 (1873); People v. Carter, 312 P.2d
8 665, 675 (Cal.1957); People v. Bunyard, 756 P.2d 795, 809 (Cal. 1988). Any holding to the
9 contrary would allow prosecutors to engage in unfair surprise by withholding inculpatory material
10 from the government's case in chief, only to surprise the defense by using it in rebuttal.

11 **b. NRS 174.235 requires disclosure of all statements made by a defendant,**
12 **regardless of whether the statement(s) are reduced to writing and/or**
13 **recorded.**

14 Notably, while NRS 174.235 obligates prosecutors to disclose a defendant's written or
15 recorded statements, fundamental fairness requires the statute extend to any unrecorded oral
16 statement(s) and/or any statement(s) for which a defendant can be held vicariously liable. Courts
17 have recognized the "fundamental fairness" involved in "granting the accused equal access to his
18 own words, no matter how the Government came by them." U.S. v. Caldwell, 543 F.2d 1333,
19 1353 (D.D.C. 1974). This fairness should extend not only to written or recorded statements, but
20 unrecorded oral statements as well as those for which a defendant can be held vicariously liable.
21 Under NRS 51.035(3)(a)-(e), a defendant can be held vicariously liable for a statement made by a
22 third party.² See also Fields v. State, 220 P.3d 709 (2009) (evidence of defendant's silence
23 following wife's complaint that she was in jail because of his conduct admissible as an adoptive
24 admission). Thus, NRS 174.235 should be construed to include within the definition of a
25
26

27
28 ² NRS 51.035(3)(b), which excepts from the definition of hearsay a "statement offered against a party" that is "[a]
statement of which [the party against whom it is offered] has manifested his adoption or believe in its truth."

1 defendant's "statement" both unrecorded oral statements as well as those for which he/she can be
2 held vicariously liable.

3 c. **NRS 174.235 requires disclosure of any/all rough notes prepared in**
4 **connection with the investigation.**

5 Raw notes made by any law enforcement officer or other prosecution agent in connection
6 with the investigation must be disclosed to the defense. Notably, this does not include information
7 amounting to work product. In Hickman v. Taylor, 329 U.S. 495, 508-11 (1947), the U.S.
8 Supreme Court recognized the privileged nature of discussions relating to the preparation of a case
9 of trial.³ The 'work product doctrine' announced in Hickman shelters not only material generated
10 by an attorney in preparation for trial, but by his/her agent, as well:
11

12 At its core, the work product doctrine shelters the mental processes of the attorney,
13 providing a privileged area within which he can analyze and prepare his client's
14 case. But the doctrine is an intensely practical one, grounded in the realities of
15 litigation in our adversary system. One of those realities is that attorneys often
16 must rely on the assistance of investigators and other agents in the compilation of
17 materials in preparation for trial. It is therefore necessary that the doctrine protect
18 material prepared by agents for the attorney as well as those prepared by the
19 attorney. Moreover, the concerns reflected in the work-product doctrine do not
20 disappear once trial has begun...

21 U.S. v. Nobles, 422 U.S. 225, 238-39 (1975).

22 Codifying this, NRS 174.235(2) exempts from discovery by a criminal defendant:

- 23 (a) An internal report, document or memorandum that is prepared by or on
24 behalf of the prosecuting attorney in connection with the investigation or
25 prosecution of the case.
26
27
28

23 ³ "In performing his various duties, however, it is essential that a lawyer work with a certain degree of privacy, free
24 from unnecessary intrusion by opposing parties and their counsel... Proper preparation of a client's case demands that
25 he assemble information, sift what he considers to be the relevant from the irrelevant facts, prepare his legal theories
26 and plan his strategy without undue and needless interference... This work is reflected, of course, in interviews,
27 statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and
28 intangible ways – aptly... termed... as the 'work product of the lawyer.' Were such materials open to opposing
counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney's thoughts,
heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in
the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be
demoralizing. And the interests of clients and the cause of justice would be poorly served." Id.

1 (b) A statement, report, book, paper, document, tangible object or any other
2 type of item or information that is privileged or protected from
3 disclosure or inspection pursuant to the constitution or laws of this state
4 or the Constitution of the United States.

5 Accordingly, only raw notes generated by, or on behalf of, the prosecutor are exempted from
6 disclosure. Any other raw note(s) compiled during the investigation of this matter must be turned
7 over pursuant to the disclosure obligation conferred by NRS 174.235 or, in the case of exculpatory
8 material, Brady v. Maryland, infra.

9 **d. Prosecutors must disclose exculpatory evidence as required by the U.S.**
10 **and Nevada Constitutions.**

11 The United States and Nevada Constitutions require disclosure of all exculpatory evidence
12 of which prosecutors are in actual or constructive possession prior to trial. U.S.C.A. V, VI, XIV;
13 Nev. Const. Art. 1, Sect. 8; Brady v. Maryland, 373 U.S. 83 (1963); Kyles v. Whitley, 514 U.S.
14 419, (1995); Jimenez v. State, 112 Nev. 610, 618 (1996) (“It is a violation of due process for the
15 prosecutor to withhold exculpatory evidence, and his motive for doing so is immaterial....The
16 prosecutor represents the state and has a duty to see that justice is done in criminal prosecution.”).
17 This means prosecutors must turn over material evidence that is favorable to the defendant. U.S. v.
18 Bagley, 473 U.S. 667, 675 (1985). Material evidence is evidence that is logically connected with
19 the facts of consequences or the issues in the case. Wyman v. State, 217 P.3d 572, 583 (Nev.
20 2009). The rule applies regardless of how a prosecutorial agency structures its overall discovery
21 process. Strickler v. Greene, 527 U.S. 263, (1999).

22 **i. ‘Favorable evidence’ includes impeachment information.**

23 The Due Process Clause of the Fifth and Fourteenth Amendments require that the State
24 disclose “any information about its witnesses that could cast doubt on their credibility.” U.S. v.
25 Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992); see also U.S. v. Bagley, supra, 473 U.S. 667
26 (1985). Accordingly, ‘favorable evidence’ includes impeachment information pertaining to any/all
27
28

1 government witnesses. Giglio v. U.S., 405 U.S. 150, 154 (1972); Youngblood v. West Virginia,
2 547 U.S. 867 (U.S. 2006); U.S. v. Bagley, supra, 473 U.S. at 676 (requiring disclosure of all
3 impeachment evidence).

4 **a. Cooperation agreements and benefits.**

5 Impeachment evidence includes any/all cooperation agreement(s) between a government
6 witness and prosecutors. Giglio v. U.S., 405 U.S. 150, 154 (1972) (requiring disclosure of
7 cooperation agreement between government witness and prosecutors). It also includes benefits
8 provided to a state witness, regardless of whether an explicit deal is outlined. Browning v. State,
9 120 Nev. 347, 369 (2004). It is the witness' own anticipation of reward, not the intent of the
10 prosecutor, which gives rise to the required disclosure. Moore v. Kemp, 809 F.2d 702, 726, 729-30
11 (11th Cir. 1987), cert. denied, 481 U.S. 1054 (1987); Duggan v. State, 778 S.W.2d 465, 468 (Tex.
12 Crim. App. 1989) (Agreements need not be express or formal arrangements, and understanding
13 merely implied, suggested, insinuated, or inferred to be of possible benefit to witness constitutes
14 proper material for impeachment). And 'benefits' are not limited to agreement made in relation to
15 the specific case at issue. Jimenez v. State, 112 Nev. 610, 622-23 (1996). For example,
16 prosecutors must disclose evidence that a witness acted as a paid informant on one or more
17 occasions. State v. Bennett, 119 Nev. 589, 603 (2003).

18 Finally, 'benefits' can include, but are not necessarily limited to, travel and/or lodging
19 benefits, as well as counseling, treatment, or other assistance, including immigration assistance of
20 any kind, whether actual or anticipatory. This is relevant to issues regarding possible bias,
21 credibility, and motive to lie, all of which constitute impeachment evidence. See Davis v. Alaska,
22 415 U.S. 308 (1974).

23 ///

24 ///

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

b. Criminal histories.

Impeachment material includes evidence relating to a witness' criminal history. Briggs v. Raines, 652 F.2d 862, 865-66 (9th Cir. 1981) (under Brady, rap sheets useful to prove a witness' history or propensity for a relevant character trait should be produced). This encompasses information that is more than ten (10) years old. See Moore v. Kemp, 809 F.2d 702 (9th Cir. 1987) (entire criminal record should be disclosed). It further includes criminal history information maintained by law enforcement agencies other than the Las Vegas Metropolitan Police Department⁴, such as the federal government's National Crime Information Center ("NCIC") database.⁵ See also FN 2, *supra*.

c. Evidence contradicting statements of government witnesses.

Impeachment evidence encompasses prior statements and/or other evidence that contradicts government witnesses. Accordingly, prosecutors must disclose prior inconsistent statements by key government witnesses. Lay v. State, 116 Nev. 1185, 1199 (2000). Prosecutors must also

⁴ See Odle v. U.S., 65 F. Supp. 2d 1065 (N.D. Cal. 1999), *rev'd on other grounds by* Odle v. Woodford, 238 F.3d 1084 (9th Cir. 2001), (holding that "...knowledge may be imputed to the prosecutor, or a duty to search may be imposed, in cases where a search for readily available background information is routinely performed, such as routine criminal background checks of witnesses." *Id.* at 1072 (citations omitted) (emphasis added); U.S. v. Perdomo, 929 F.2d 967 (3rd Cir. 1991) (adopting 5th Circuit's rationale in requiring government to obtain complete criminal history on prosecution witness(es)); Martinez v. Wainwright, 621 F.2d 184, 187-89 (5th Cir. 1980) (defendant entitled to criminal records of state-government witnesses, including data obtainable from the FBI; prosecutor's lack of awareness of alleged victim's criminal history does not excuse duty to obtain and produce rap sheet); U.S. v. Thornton, 1 F.3d 149 (3rd Cir. 1993) (prosecutor charged with producing impeachment evidence actually or constructively in his possession as "prosecutors have an obligation to make a thorough inquiry of all enforcement agencies that had a potential connection with the witnesses..."). *But cf.* U.S. v. Blood, 435 F.3d 612, 627 (6th Cir. 2006) (no *Brady* violation where prosecutor did not produce to the defense the printout of the NCIC check but disclosed that the witness in question had no criminal history; "the Government is only required to disclose its informant's criminal history if he has one").

⁵ Federal law permits disclosure of NCIC information under similar circumstances. 28 C.F.R. Chapter 1 addresses the U.S. Dept. of Justice and Criminal Justice Information Systems. 28 C.F.R. Sec. 20.33 sets forth the instances in which NCIC information may be disclosed. It provides for NCIC disclosure "... (1) To criminal justice agencies for criminal justice purposes..." 28 C.F.R. Sec. 20.3(g) defines criminal justice agencies as: "... (1) Courts; and [other entities set forth in that section]." Additionally, 28 C.F.R. Sec. 20.3 defines the "[a]dministration of criminal justice" to include the "performance of any of the following activities . . . adjudication" Therefore, the C.F.R. authorizes prosecutors to access and disclose NCIC data pursuant to Court order as part of a criminal case adjudication.

1 disclose statements and/or evidence that contradict(s) the testimony of other government
2 witness(es). Rudin v. State, 120 Nev. 121, 139 (2004).

3 **d. Confidential records.**

4 A witness can be attacked by “revealing possible biases, prejudices, or ulterior motives of
5 the witnesses as they may relate directly to the issues or personalities on the case at hand. The
6 partiality of a witness is...always relevant as discrediting the witness and affecting the weight of
7 his testimony.” Davis v. Alaska, supra, at 354; See also Lobato v. State, 120 Nev. 512 (2004)
8 (discussing the “nine basic modes of impeachment.”) Accordingly, impeachment evidence can
9 derive from otherwise privileged and/or confidential material. When this occurs, the privileged
10 and/or confidential nature of the material at issue must yield to a defendant’s constitutionally
11 secured right to confront and cross-examine those who testify against him. Davis v. Alaska, supra,
12 at 356 (state’s interest in maintaining confidentiality of juvenile records must yield to defendant’s
13 right to cross examine as to bias); see also U.S. v. Nixon, 418 U.S. 683, 713 (1974) (generalized
14 assertion of privilege must yield to demonstrated, specific need for evidence in a pending criminal
15 case).. Thus, prosecutors must obtain and disclose privileged/confidential records pertaining to
16 government witnesses when the records contain information bearing on witness credibility.⁶

17 This includes mental health records. See U.S. v. Lindstrom, 698 F.2d 1154, 1166-67 (11th
18 Cir. 1983) (requiring disclosure of government witness’ mental health records); U.S. v. Robinson,
19 583 F.3d 1265, 1271-74 (10th Cir. 2009) (requiring disclosure of material portions of confidential
20 informant’s mental health records); Wyman v. State, 125 Nev. 592, 607-08 (2009) (trial court
21 abused discretion by denying defendant’s request for certificate of materiality to obtain accuser’s
22 out-of-state mental health records); Burns v. State, 968 A.2d 1012, 1024-25 (Del. 2009) (defendant
23
24
25
26

27 ⁶ At a minimum, otherwise confidential or privileged material must be submitted to the Court for an in camera review.
28 Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (absent statute prohibiting disclosure of records to prosecution,
defendant entitled to have trial court review Child and Youth Services records to determine if records contain material
information.).

1 entitled to therapy records). It also includes Child Protective Services (or the functional
2 equivalent) and school records. See Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (defendant
3 entitled to in camera review of Child and Youth Services records⁷); and State v. Cardall, 982 P.3d
4 79, 86 (Ut. 1999) (defendant entitled to complainant's school psychological records indicating she
5 had propensity to lie and had fabricated prior rape allegations). It further includes
6 parole/probation records, as well as jail/prison records. See U.S. v. Strifler, 851 F.2d 1197, 1201
7 (9th Cir. 1988), cert. denied, 489 U.S. 1032 (1989); Carriger v. Stewart, 132 F.3d 463, 479-82 (9th
8 Cir. 1997) (requiring production of Department of Corrections file on principle government
9 witness). And it includes juvenile records. Davis v. Alaska, *supra*, at 356. See also State v.
10 Bennett, 119 Nev. 589, 603 (2003) (failure to disclose co-conspirator's juvenile records in penalty
11 hearing amounted to *Brady* violation). Thus, prosecutors cannot lawfully refuse disclosure of
12 impeachment information on the basis that the information is privileged and/or confidential.
13

14
15 **e. Prior allegations of sexual misconduct and prior sexual knowledge.**

16 In cases involving allegations of sexual misconduct, impeachment evidence includes
17 evidence that a complaining witness made prior allegations of sexual misconduct. See Jackson v.
18 State, 688 F.3d 1091, 1096-1101 (9th Cir. 2012) (defendant entitled to present evidence that
19 complainant made prior contradicted and/or uncorroborated assault accusations against defendant
20 as "such [extrinsic evidence] was highly relevant... to... witness's credibility and motive to lie and
21 bias, and its exclusion implicates a defendant's due process rights." (citing Crane v. Kentucky,
22 476 U.S. 683, 690 (1986)). Under Nevada law, prior false allegations of sexual misconduct
23 amount to an exception to rape shield laws. Miller v. State 105 Nev. 497 (1989), which allows for
24 such evidence as an exception to rape shield laws. NRS 432B.290 (3), states: "An agency which
25
26

27 ⁷ The Ritchie Court held that the State cannot claim privilege to refuse disclosure of CPS records, unless there is a
28 statutory scheme that forbids any use, including disclosure to a prosecutor, of such records. Ritchie, *supra*, 480 U.S.
39, at 57-58 (1987). NRS 432B.290 allows for disclosure of such records to the prosecutor and to the court for in
camera review.

1 provides child welfare services shall disclose the identity of a person who makes a report or
2 otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in
3 camera and determining that there is reason to believe that the person knowingly made a false
4 report, orders the disclosure.” See also Fowler v. Sacramento Co. Sheriff’s Dept., 421 F. 3d 1027,
5 1032-33; 1040 (9th Cir. 2005) (error to exclude evidence of prior false sexual assault allegations as
6 evidence “might reasonably have influenced the jury’s assessment of [the complainant’s]
7 reliability or credibility . . . [and] ‘the jurors were entitled to have the benefit of the defense theory
8 before them so that they could make an informed judgment as to the weight to place on [the
9 complainant’s] testimony.’”) (quoting Davis v. Alaska, 415 U.S. 308, 317 (1974)).

11 Additionally, Nevada law authorizes the admission of prior sexual conduct to show sexual
12 knowledge. Summitt v. State, 101 Nev. 159 (1985); See also Holley v. Yarborough, 568 F.3d
13 1091, 1099-1100 (9th Cir. 2009) (error to exclude evidence that complainant made comments to
14 friends regarding a prior sexual encounter and claimed other boys expressed a desire to engage in
15 sexual acts with her, as this evidence revealed complainant’s “active sexual imagination,” and,
16 accordingly, may have altered jury’s perception of the complainant’s “credibility and reliability of
17 her claims.”)

19 **f. Law enforcement personnel files.**

20 Under U.S. v. Henthorn, 931 F.2d 29, 31 (9th Cir. 1991), prosecutors must examine law
21 enforcement personnel files when a defendant makes such a request. See also U.S. v. Cadet, 727
22 F.2d 1453 (9th Cir. 1984). A defendant is not required to make an initial showing of materiality
23 before prosecutors must examine the files — the examination obligation arises solely from the
24 defendant’s request. Henthorn, 931 F.2d at 31. “Absent such an examination, [the State] cannot
25 ordinarily determine whether it is obligated to turn over the files.” Id. at 31. Once examined,
26 prosecutors must “disclose information favorable to the defense that meets the appropriate
27
28

1 standard of materiality.... If the prosecution is uncertain about the materiality of the information
2 within its possession, it may submit the information to the trial court for an in camera inspection
3 and evaluation....” Henthorn, at 30-31 (quoting Cadet, 727 F.2d at 1467-68).

4 **ii. Favorable evidence includes witnesses with exculpatory information.**

5 Prosecutors must disclose the identity of witnesses possessing exculpatory information, as
6 no legitimate interest is served by precluding the defense from calling such witnesses for trial.
7 U.S. v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); U.S. v. Houston, 339 F.Supp. 762 (N.D. GA
8 1972).

10 **iii. Favorable evidence includes evidence of third-party guilt.**

11 The U.S. Constitution guarantees a criminal defendant the right to present evidence of
12 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to
13 allow defendant to present evidence of third party guilt deprives him of a meaningful right to
14 present a complete defense under the 14th and 6th Amendment of the US Constitution). Thus,
15 prosecutors must disclose any/all evidence that another perpetrator committed the charged
16 crime(s). Lay v. State, 116 Nev. 1185, 1195-96 (2000) (State’s failure to disclose evidence of
17 another perpetrator violated *Brady*). This includes evidence that another individual was arrested in
18 connection with the charged crime. Banks v. Reynolds, 54 F.3d 1508, 1518 n.21 (10th Cir. 1995).
19 It also includes evidence of investigative leads pointing to other suspects. Jimenez v. State, 112
20 Nev. 610, 622-23 (1996) (withholding evidence of investigative leads to other suspects, regardless
21 of admissibility, constitutes *Brady* violation). Finally, prosecutors must provide the actual
22 documents, evidence, and/or reports pertaining to evidence of third-party guilt; it is not enough for
23 prosecutors to provide the defense with a summary of the information relating to other suspects.
24 Mazzan v. Warden, 116 Nev. 48, 69 (2000) (summary of prosecutor’s perspective on written
25
26
27
28

1 reports relating to potential suspects were constitutionally inadequate and reports should have been
2 disclosed pursuant to *Brady*); Bloodworth v. State, 512 A.2d 1056, 1059-60 (1986).

3 **iv. Favorable evidence includes any/all evidence that may mitigate a**
4 **defendant's sentence.**

5 Favorable evidence also includes evidence which could serve to mitigate a defendant's
6 sentence upon conviction. Jimenez v. State, 112 Nev. 610 (1996).

7 **v. Any question as to what amounts to Brady material should be**
8 **resolved in favor of disclosure.**

9 Ultimately, prosecutors are tasked with a "broad duty of disclosure." Strickler v. Greene,
10 527 U.S. 263, 281 (1999); cf. U.S. v. Agurs, 427 U.S. 97, 108 (1976) (finding that "the prudent
11 prosecutor will resolve doubtful questions in favor of disclosure"). As the Nevada Supreme Court
12 has explained:

13 Due process does not require simply the disclosure of "exculpatory" evidence.
14 Evidence also must be disclosed if it provides grounds for the defense to attack the
15 reliability, thoroughness, and good faith of the police investigation, to impeach the
16 credibility of the state's witnesses, or to bolster the defense case against prosecutorial
17 attacks. Furthermore, "discovery in a criminal case is not limited to investigative
leads or reports that are admissible in evidence." Evidence "need not have been
independently admissible to have been material."

18 Mazzan v. Warden, 116 Nev. 48, 67 (2000) (citations omitted). Significantly, the government's
19 disclosure obligation exists even "when the defendant does not make a Brady request."⁸ Bagley,
20 *supra* at 680-82. Accordingly, any question as to whether certain material, information, and/or
21 evidence falls within the purview of Brady should be resolved in favor of disclosure. U.S. v.
22 Agurs, 427 U.S. 97, 108 (1976) ("[T]he prudent prosecutor will resolve doubtful questions in favor
23 of disclosure.")

24
25
26 ⁸ However, a specific Brady request will result in reversal "if there exists a reasonable possibility that the claimed
evidence would have affected the judgment of the trier of fact." Roberts v. State, 110 Nev. 1121 (1994); See also
27 Jimenez v. State, *supra*; State v. Bennett, 119 Nev. 589 (2003). Absent a specific request, reversal is warranted, "if
there exists a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have
28 been different." U.S. v. Bagley, *supra*, 473 U.S. at 667, 682, 685 (1985); Pennsylvania v. Ritchie, 480 U.S. 39, 57
(1986). A 'reasonable probability' is a probability sufficient to undermine confidence in the outcome. Bagley, 473
U.S. at 678, 685; Ritchie, 480 U.S. at 57." Roberts, *supra*, at 1129.

1 of disclosure.”); See also Kyles v. Whitley, 514 U.S. 419, 439 (1995) (“[A] prosecutor anxious
2 about tacking too close to the wind will disclose a favorable piece of evidence.”).

3 **B. THE DISCLOSURE OBLIGATIONS SET FORTH ABOVE EXTEND TO ALL**
4 **MATERIAL OF WHICH PROSECUTORS ARE IN ACTUAL OR**
5 **CONSTRUCTIVE POSSESSION.**

6 “It is a violation of due process for the prosecutor to withhold exculpatory evidence, and
7 his motive for doing so is immaterial.” Jimenez, supra at 618. Accordingly, prosecutors are
8 responsible for disclosing evidence in their possession as well as evidence held/maintained by
9 other government agents. Id. at 620; See also State v. Bennett, 119 Nev. 589, 603 (2003) (“We
10 conclude that it is appropriate to charge the State with constructive knowledge of the evidence
11 because the Utah police assisted in the investigation of this crime...”). This constructive
12 possession rule applies to evidence that is withheld by other agencies: “Even if the detectives
13 withheld their reports without the prosecutor’s knowledge, ‘the state attorney is charged with
14 constructive knowledge and possession of evidence withheld by other state agents, such as law
15 enforcement officers.’” Id. (citation omitted) (emphasis added). “Exculpatory evidence cannot be
16 kept out of the hands of the defense just because the prosecutor does not have it, where an
17 investigative agency does.” U.S. v. Zuno-Arce, 44 F.3d 1420, 1427 (9th Cir. 1995).

19 In fact, prosecutors have an affirmative obligation to obtain Brady material and provide it
20 to the defense, even if the prosecutor is initially unaware of its existence. “The prosecution’s
21 affirmative duty to disclose evidence favorable to a defendant can trace its origins to early 20th
22 century strictures against misrepresentation and is of course most prominently associated with this
23 Court’s decision in Brady v. Maryland...” Kyles v. Whitley, supra, 514 U.S. at 432. This
24 obligation exists even where the defense does not make a request for such evidence. Id. As the
25 U.S. Supreme Court explained:
26

27 This in turn means that the individual prosecutor has a duty to learn of any favorable
28 *evidence known to the others acting on the government’s behalf in the case, including*

1 the police. But whether the prosecutor succeeds or fails in meeting this obligation
2 (whether, that is, a failure to disclose is in good faith or bad faith), the prosecution's
3 responsibility for failing to disclose known, favorable evidence rising to a material
4 level of importance is inescapable...Since then, the prosecutor has the means to
5 discharge the government's Brady responsibility if he will, any argument for
excusing a prosecutor from disclosing what he does not happen to know about boils
down to a plea to substitute the police for the prosecutor, and even for the courts
themselves, as the final arbiter's of the government's obligation to ensure fair trials.

6 Kyles, supra, 514 U.S. at 437-38 (emphasis added) (citations and footnotes omitted). See also
7 Carriger v. Stewart, 132 F.3d 463, 479-82 (9th Cir. 1997) (holding that "...the prosecution has a
8 duty to learn of any exculpatory evidence known to others acting on the government's behalf.
9 Because the prosecution is in a unique position to obtain information known to other agents of the
10 government, it may not be excused from disclosing what it does not know but could have learned."
11 (citations omitted) (emphasis added). Thus, the disclosure obligations outlined above extend not
12 only to material directly in the possession of prosecutors, but material of which prosecutors are in
13 constructive possession, as well.

15 **C. IF AN 'OPEN FILE' POLICY EXISTS IT DOES NOT OBVIATE THE**
16 **DISCLOSURE OBLIGATIONS OUTLINED ABOVE.**

17 Historically, the Clark County District Attorney's Office has employed an 'open file'
18 policy in which prosecutors allow defense counsel to review the discovery contained in the
19 government's trial file. This does not vitiate the State's constitutional disclosure obligations.
20 Strickler v. Green, 527 U.S. 263, 283 (1999) (holding that a prosecutor's open file policy does not
21 in any way substitute for or diminish the State's obligation to turn over Brady material). "If a
22 prosecutor asserts that he complies with Brady through an open file policy, defense counsel may
23 reasonably rely on that file to contain all materials the State is constitutionally obligated to disclose
24 under Brady." Strickler, 527 U.S. at 283, n.23. See also Amando v. Gonzalez, No. 11-56420 at 27
25 (9th Cir. 2013). McKee v. State, 112 Nev. 642, 644, 917 P.2d 940, 944 (1996) (reversing a
26 judgment of conviction based on prosecutorial misconduct where the prosecutor did not make
27
28

1 available all relevant inculpatory and exculpatory evidence consistent with the county district
2 attorney's open file policy); see also Furbay v. State, 116 Nev. 481, 998 P.2d 553 (2000)
3 (discussing prosecution's duty to provide all evidence in its possession where it has promised to do
4 so).

5 However, following the recent Nevada Court of Appeals opinion issued in Quisano v.
6 State, 132 Nev. Advance Opinion 9, 2016, the Clark County District Attorney's Office seems to
7 have rescinded its long-standing 'open file' policy. Any recent change in the 'open file' policy has
8 no effect on the State's constitutional obligations under Brady and Nevada law.

10 **III. DEFENDANT'S SPECIFIC DISCOVERY REQUESTS**

11 The following specific requests are meant to help assist the State in their duty to find and
12 turn over required material. This request is not in any way intended to be a substitute for the
13 generalized duties described above.

14 **1. INTERVIEWS OF AND STATEMENTS ATTRIBUTED TO DEFENDANT**

15 All transcripts, notes, and recordings of interviews of the defendant. This includes
16 any and all audio/video recordings of such interviews, and any notes of interviews
17 that were not later recorded (such as notes of patrol officers or attempts to
18 communicate with defendant).⁹

- 19 a. At this time, the Defense has not received any audio/video recordings from
20 the Defendant Leonard Woods' interrogation on August 6, 2015.

21 Any statements attributable to the defendant, not contained in a formal interview,
22 including any comments made at the time of arrest or during transport to the
23 detention center. This includes conversations, telephonic or otherwise, intercepted
24 by any/all law enforcement agencies. This further includes the substance of any
25 statements attributed to the Defendant which the prosecution intends to use as
26 evidence at trial, including but not limited to any conversations or correspondence
27 overheard or intercepted by any jail personnel or other inmates which have not
28 been recorded or memorialized.

25 **2. INTERVIEWS OF AND STATEMENTS ATTRIBUTED TO STATE'S WITNESSES**

26 All transcripts, notes, and recordings of interviews of any witness or potential
27 witness contacted in this case. This includes any and all audio/video recordings of
28 such interviews, and any notes of interviews that were not later recorded (such as

⁹ NRS 171.1965 1(a); NRS 174.235 1(a).

notes of patrol officers, notes of phone calls made to potential witnesses or attempts to contact such witnesses).¹⁰

a. At this time, the Defense has not received any audio/video recordings from any witness noticed by the State; however, the defense has received transcripts of the following interviews:

- i. Related to Event# 150717-2118: Divina Leal (07/18/2015);
- ii. Related to Event# 150805-3825: Divina Leal (08/05/2015); Garland Calhoun (08/05/2015); Yesenia Rivas #1 (08/05/2015); Yesenia Rivas #2 (08/05/2015); Rachel Ramos (08/05/2015); Rhonesisha Thomas (08/05/2015); Ashleigh Williams (08/05/2015); Christina Delpino (08/05/2015); Off. Haynes & Off Swartz (08/06/2015); and Devyn Hagarty (08/15/2015)

3. **INCONSISTENT STATEMENTS**

Any inconsistent statements made by any material witnesses in the case. This includes any inconsistent statements made orally to any employee or representative of the District Attorney's office, the police department, or any other State actor to include all agents and law enforcement utilized out of state during the investigation of this case.¹¹

4. **WITNESS BENEFITS OR ASSISTANCE**

Any and all records and notes regarding any benefits or assistance given to any witness related to the case. This includes any monetary benefits received, travel expenses paid, services offered/conveyed, favors, or promises of favorable treatment. This also includes an estimate of future benefits to be received during or after the trial.¹²

5. **VICTIM WITNESS OFFICE**

Any and all records and notes from the victim witness office of the District Attorney to include any and all records of benefits or assistance given to the complaining witness or any other witnesses related to the case. The State must disclose any monetary benefits, services, favors, vouchers or favorable treatment by witnesses involved in this case or their families, and an estimate of any and all future benefits.¹³ The State must also disclose the names of any referrals given to the complaining witness in connection with this case.

6. **WITNESS CRIMINAL HISTORY, IMPEACHMENT EVIDENCE**

¹⁰ NRS 171.1965 1(a); NRS 174.235 1(a).

¹¹ See Brady, et al, in brief.

¹² This is relevant to issues regarding possible bias, credibility, motive to lie, and impeachment. See Davis v. Alaska, 415 U.S. 308 (1974) and footnote 7.

¹³ This is relevant to issues regarding possible bias, credibility, motive to lie, impeachment. See Davis v. Alaska, 415 U.S. 308 (1974) and footnote 7. The District Attorney's office has a practice of paying witnesses fees for pretrial interviews and for testifying. This request includes documentation and disclosure of all these fees.

1 Any information regarding the criminal history of any material witness in the case,
2 including information accessible through the NCIC system. This includes juvenile
3 records, misdemeanors, or any other information that would go to the issues of
credibility, veracity or bias, whether or not the information is admissible by the
rules of evidence.¹⁴

4 **7. POLICE REPORTS, NOTES, BODY CAMERAS, VIDEOS AND OTHER**
5 **DOCUMENTS**

6 Any and all police reports, notes, body camera footage or other documents that
7 contain information pertaining to this case, no matter what the form or title of the
report. This request includes any and all audio, video and photographic evidence in
this case.

- 8 a. Defendant has served a total of three (3) subpoenas on the Las Vegas
9 Metropolitan Police Department in an attempt to obtain access to the body
cameras worn by LVMPD Officers in relation to this case.

10 Additionally, any and all 911 and 311 recordings to include, but not limited to, car-to-car
11 radio communications, car-to-dispatch radio communications, and the Unit Log incident
print out related to the event.

12 **8. IDENTIFICATIONS**

13 All statements of identification and/or inability/lack of identification of the
Defendant as the perpetrator of the alleged crime made by any witness to include:

- 14 a. any statements identifying another person as the perpetrator of this offense;
15 b. any prior statement by eyewitnesses who now identify my client as involved
in this offense that they previously could not identify anyone;
16 c. a copy of all photographic lineups shown to any witnesses for the purposes
of identifying suspects in this case, including lineups created without the
17 Defendant in them;
d. other identification procedures, if any, used to identify suspects in this case.

18 This request includes, but is not limited to, any showups, lineups, photographic
19 lineups, single photo showups, photo compilations and composite drawings made
or shown.

20 This request further includes (1) the identify of each witness who was shown an
identification procedure; (2) the date such procedure occurred; (3) the time such a
21 procedure occurred; (4) the names of all persons who were present when the
procedure took place; (5) instructions given to the witness prior to the procedure
22

23 ¹⁴ The State is usually under the mistaken impression that they must only disclose felony convictions from
24 the last 10 years that can be used as impeachment under NRS 50.095. However, in Davis v. Alaska, supra,
25 the US Supreme Court found that a witness can be attacked by “revealing possible biases, prejudices, or
26 ulterior motives of the witnesses as they may relate directly to the issues or personalities on the case at
hand. The partiality of a witness is...always relevant as discrediting the witness and affecting the weight of
his testimony.” Id. at 354. The court found that the State’s policy interest in protecting the confidentiality
27 of a juvenile offender’s record must yield to the defendant’s right to cross examine as to bias. Id. at 356.
28 See also, Lobato v. State, 120 Nev. 512 (2004), discussing the “nine basic modes of impeachment.”
Therefore, juvenile records, misdemeanors and older criminal records may yield information relevant to
many forms of impeachment other than that outlined in NRS 50.095.

1 being conducted; (6) the results of the procedure, including as exact a rendition as
2 possible of what the witness said, how long the witness took to make the
3 identification if it was made, and any hesitancy or uncertainty of the witness in
4 making the identification; and (7) whether or not the witness before or after the
5 procedure was informed that they had picked the suspect officers believed
6 committed the crime.

7
8
9 **9. MEDIA INVOLVEMENT**

10 The State must disclose whether its attorneys, officers or any other witnesses have
11 cooperated with or been interviewed by any media organizations (including pre-
12 production shows in development), the extent of the cooperation, and whether the
13 cooperation is ongoing or planned for the future. This includes, but is not limited
14 to, newspapers and periodicals, radio programs, television shows, Internet and
15 interactive media, or any other form of broadcast.¹⁵

16
17 **10. EXCULPATORY EVIDENCE AND ALTERNATE SUSPECTS**

18 Any and all information that shows the defendant did not commit the crimes
19 alleged or that presents the possibility of another perpetrator.¹⁶

20
21 **11. CHAIN OF CUSTODY**

22 All relevant reports of chain of custody. All reports of any destruction of evidence,
23 known failure to collect and/or preserve evidence in the case.¹⁷

24
25 **12. EXPERT NOTES, TESTING AND REPORTS**

26 Any and all requests for testing and the associated results and/or reports generated
27 as a result of any and all crime scene analysis, evidence collection and/or forensic
28 testing performed in this case, including, but not limited to, any and all
photographs, the results of any fingerprint collection and comparison, AFIS
(Automated Fingerprint Identification System) searches and/or results, DNA
testing, CODIS (Combined DNA Index System) searches and/or results,
toxicological analyses, footwear impressions, trace evidence analyses, any forensic
analysis of cellular telephones, any requests for forensic analysis regardless of the
outcome of such request. Neuropathological, toxicological, or other medical
evaluations of the deceased, performed through this investigation. This includes

¹⁵ The statements of potential state witnesses and investigators must be turned over under Brady, et al and Davis v. Alaska, supra, because they may contain prior inconsistent statements, evidence of bias or lack of credibility, or proof of payment or remuneration. The chance to appear on television or be featured in the newspaper is a “reward or benefit” in itself that must be disclosed, regardless of whether money has changed hands. The defendant is not aware whether any of this exists, but if the defendant is forced to “discover” it by turning on the television, then the State will have violated constitutional due process.

¹⁶ See Holmes v. South Carolina, 547 U.S. 319 (2006), which holds that preventing a defendant from presenting evidence of third party guilt deprives him of a meaningful right to present a complete defense under the 14th and 6th Amendment of the US Constitution.

¹⁷ Destruction of evidence can result in dismissal of the case or a jury instruction stating such evidence is presumed favorable to the accused. Crockett v. State, 95 Nev. 859, 865 (1979); Sparks v. State, 104 Nev. 316, 319 (1988); Sanborn v. State, 107 Nev. 399, 409 (1991).

1 the complete case file for any testing done, including, but is not limited to: raw
2 data, photographs, rough notes, draft reports, recorded or otherwise memorialized
notes relied upon by experts in rendering an opinion in this case.¹⁸

- 3 a. This request encompasses, but it not limited to, any work done by noticed
4 State's experts: Dr. J. Corneal; CSA R. Dahn; Det. J. Carr; CSA S. Fletcher;
CSA B. Grover; CSA J. Smink; and CSA A. Wright.

5 **13. FORENSIC LAB INFORMATION**

6 Any and all reports of potential contamination of the evidence processed by the Las
7 Vegas Crime Lab or any outside contractors in this case, and any corrected reports
8 that may have been issued regarding the evidence in this case. In addition, the State
must disclose the existence of any recent or ongoing internal audits or
investigations of the labs and lab employees associated with this case

9 **14. ELECTRONIC COMMUNICATIONS AND TRACING DATA**

10 Any and all intercepted electronic and/or oral communications and/or any and all
11 communications sent to and from handset and/or telephone and/or computers
12 pursuant to the investigation in this case, including but not limited to: Audio, Push
13 to Talk, Data, Packet Data, electronic messaging encompassing Global System for
14 Mobile Communications (GMS), Short Message Service (SMS), Multimedia
15 Messaging Service (MMS), and Internet Relay Chat, File Transfer Protocol (FTP),
16 Internet Protocol (IP), Voice Over Internet Protocol (VOIP), Transmission Control
Protocol (TCP) and electronic mail or other internet based communications,
obtained by the any law enforcement agency, including federal authorities, via
subpoena, interception or other means, pertaining to the instant matter, or any
related matter.

17 Any and all data, recordings, reports and documentation of voice monitoring
18 devices and/or geographic tracking devices and/or pen register and/or trap and trace
19 device installed pursuant to interception, warrant or other means, as obtained by
any law enforcement agency, including federal authorities, pertaining to the instant
matter or any related matter.

20 **15. CHILD PROTECTIVE SERVICES RECORDS AND REPORTS**

21 Any and all Department of Child and Family Services and/or Child Protective
22 Service or equivalent department in another State, records material to the case to
23 include any and all notes of caseworkers or their agents or assistants. This includes
24 information of any and all referrals to therapists by anyone at any of the above
mentioned agencies. This also includes any reports prepared for Family Court or
any domestic relations proceedings, related to the issues or witnesses in the case.

25 **16. SOCIAL WORKERS AND CASE WORKERS**

26 Any and all notes of social workers or case workers, working on behalf of the
27 government in relation to this case. This also includes information on all referrals
to any physicians, psychologists, psychiatrists, social workers or other mental

28 ¹⁸ NRS 174.245 2(a)(b)(c).

1 health workers or health care providers and any and all documentation of such
2 notes of any contract providers to such institution.¹⁹

3 **17. MENTAL HEALTH**

4 Any and all records and notes of any mental health workers who have had contact
5 with the complaining witness in relation to the events in this case.²⁰

6 **18. PRIOR ALLEGATIONS OF SEXUAL MISCONDUCT**

7 Any and all information known or which could be known by the diligent actions of the
8 State of any previous allegations of sexual misconduct or physical abuse made by the
9 subject minor or any material witness in the case. This includes any and all information or
10 any possible false accusations made by the subject minor or any material witness in the
11 case.

12 **IV. REQUEST FOR TIMELY DISCLOSURE.**

13 NRS 174.285(1) requires that any discovery request pursuant to NRS 174.235 be made "...
14 within 30 days after arraignment or at such reasonable later time as the court may permit..." NRS
15 174.285(2) mandates that "A party shall comply with a request made pursuant to NRS 174.235...
16 not less than 30 days before trial or at such reasonable later time as the court may permit.
17 Accordingly, Defendant LEONARD RAY WOODS requests that this Honorable Court enter an
18 order directing prosecutors to provide the discovery sought herein within a reasonable time in
19 advance of trial so as to enable counsel to effectively prepare. Further, Mr. Woods requests that
20 this Court order that the State be precluded from admitting at trial any discovery/evidence not
21 timely produced. See NRS 174.295 ("If at any time during the course of the proceedings it is
22 brought to the attention of the court that a party has failed to comply with the provisions of NRS
23 174.235 to 174.295, inclusive, the court may order the party to permit the discovery or inspection

24 ¹⁹ See above, as these workers are working for the State or in conjunction with such agencies.

25 ²⁰ If such counselors are seeing the alleged victims after being referred by a State or County agency or
26 worker, or are paid by victim witness or through aid especially due to status as a "victim" then there is no
27 provider-patient privilege as the information is being sought with the purpose to disclose to third parties.
28 Further, under general discovery principles, anything disclosed that bears on the credibility of the witness,
on the credibility of any other witness or any evidence, that suggests that the defendant did not commit the
crime, that someone else may have perpetrated the crime, or anything else relevant to discovery, then such
information must be disclosed under case law cited in this brief.

1 of materials not previously disclosed, grant a continuance, or prohibit the party from introducing
2 in evidence the material not disclosed, or it may enter such other order as it deems just under the
3 circumstances.”) (emphasis added).

4 **V. CONCLUSION**

5 Based on the foregoing, the defendant, LEONARD RAY WOODS, respectfully requests
6 that this Honorable Court grant the instant motion, and order the timely disclosure of all requested
7 materials. NRS 174.235; Brady v. Maryland, 373 U.S. 83 (1963); U.S.C.A. V, VI, XIV; and Nev.
8 Const. Art. 1 § 8.

9 DATED this 15th day of March, 2016.

10
11 PHILIP J. KOHN
12 CLARK COUNTY PUBLIC DEFENDER

13 By: /s/ Julia Murray
14 JULIA M. MURRAY, #10939
Deputy Public Defender

By: /s/ Jordan Savage
JORDAN S. SAVAGE, #5480
Deputy Public Defender

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

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender’s Office will bring the above and foregoing Motion on for hearing before the Court on the 29th day of March, 2016, at 8:30 a.m.

DATED this 15th day of March, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

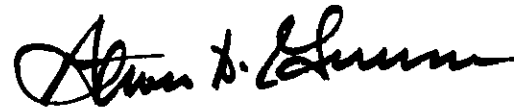
By: /s/ Julia Murray
JULIA M. MURRAY, #10939
Deputy Public Defender

By: /s/ Jordan Savage
JORDAN S. SAVAGE, #5480
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and foregoing Motion was served via electronic e-filing to the Clark County District Attorney’s Office at motions@clarkcountydade.com on this 15th day of March, 2016.

By: /s/ Erin Prisbrey
Employee of the Public Defender’s Office



CLERK OF THE COURT

1 MTCT
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 JULIA M. MURRAY
5 Deputy Public Defender
6 Nevada Bar No. 10939
7 JORDAN S. SAVAGE
8 Deputy Public Defender
9 Nevada Bar No. 5480
10 309 South Third Street, Suite 226
11 Las Vegas, Nevada 89155
12 (702) 455-4685
13 Attorneys for Defendant

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

10 THE STATE OF NEVADA,

11 Plaintiff,

13 LEONARD RAY WOODS,

14 Defendant.

CASE NO. C-15-309820-1

DEPT. NO. XII

DATE: March 22, 2016

TIME: 8:30 a.m.

DEPARTMENT XII

NOTICE OF HEARING

DATE 3-22-2016 TIME 8:30am

APPROVED BY pr

16 **MOTION TO CONTINUE TRIAL DATE**

17 COMES NOW the Defendant, LEONARD RAY WOODS, by and through his
18 attorney, JULIA M. MURRAY and JORDAN SAVAGE, Deputy Public Defender, and respectfully
19 moves this court for an order vacating the March 29, 2016 trial date and requesting a new trial
20 setting on a date convenient to the court.

21 This Motion is made based upon all the papers and pleadings on file herein, the
22 attached Declaration of Counsel, Memorandum of Points and Authorities in support hereof, and oral
23 argument at the time set for hearing this Motion.

24 DATED this 15th day of March, 2016.

25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By /s/ Julia Murray
28 JULIA M. MURRAY, #10939
Deputy Public Defender

By /s/ Jordan Savage
JORDAN SAVAGE, #5480
Deputy Public Defender

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

DECLARATION

JULIA M. MURRAY makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. Leonard Woods is charged with Murder with Use of a Deadly Weapon (First Degree), four counts of Peeping or Spying Through a Window, Door or Other Opening of a Dwelling of Another While in Possession of a Recording device, two counts of Capturing an Image of the Private Area of Another, Open and Gross Lewdness and Ownership or Possession of Firearm by Prohibited Person. The charges are alleged to have occurred over approximately a six month timeframe on six different dates.

3. Woods made his initial appearance in District Court on October 6, 2015. At that appearance he was arraigned and waived his right to a speedy trial. The State invoked a speedy trial.

4. On December 17, 2015, Woods moved for a trial continuance, which was granted; however, the trial was continued only 90 days.

5. Despite diligent efforts by the defense, we are not prepared to proceed to trial at this time. There are still numerous matters of investigation and mitigation outstanding.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 15th day of March, 2016.

/s/ Julia Murray
JULIA M. MURRAY

1 **Memorandum of Points and Authorities**

2 Mr. Woods has a Constitutional right to counsel that is both effective and prepared. At this
3 time, if forced to trial his counsel will be derelict in both areas clearly violating his right to counsel.

4 The Nevada Supreme Court has made abundantly clear the expectations on defense counsel
5 regarding effectiveness. On October 16, 2008, the Nevada Supreme Court issued Order No. ADKT
6 411, which outlines the standards in Nevada for representation of indigent defendants in criminal
7 cases. Said Order became effective on April 1, 2009. ADKT 411 places obligations upon defense
8 counsel which must be considered in determining whether a continuance is merited at this time. As
9 the Court stated, "The paramount obligation of criminal defense counsel in indigent defense cases is
10 to provide zealous and quality representation at all stages of criminal proceedings...." ADKT 411,
11 January 4, 2008, pg. 4. The Defense cannot meet this obligation without conducting investigation
12 for both the trial and penalty phases. For these reasons, the Defense respectfully requests that this
13 court vacate the current trial date and reset this case in the ordinary course.

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

YOU WILL PLEASE TAKE NOTICE that the foregoing Motion to Continue Trial heard on the 22nd day of March, 2016 at 8:30 a.m. in Department No. XII of the

DATED this 15th day of March, 2016.

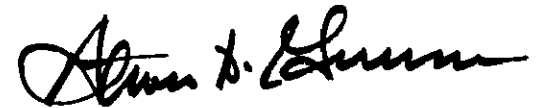
By /s/ Julia Murray
JULIA M. MURRAY, #10939
Deputy Public Defender

By /s/ Jordan Savage
JORDAN SAVAGE, #5480
Deputy Public Defender

I hereby certify that service of MOTION TO CONTINUE TRIAL DATE, was made
this 16TH day of March, 2016, by Electronic Filing to:

MICHELLE FLECK, Chief Deputy District Attorney
E-Mail: Michelle.Fleck@clarkcountyda.com

By: /s/ Sara Ruano
Secretary for the Public Defender's Office



CLERK OF THE COURT

OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JEFFREY S. ROGAN
Chief Deputy District Attorney
Nevada Bar #10734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD RAY WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: XII

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS
STATEMENTS FOR FIFTH AMENDMENT VIOLATION**

DATE OF HEARING: 05/12/2016
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JEFFREY S. ROGAN, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion to Suppress Statements for Fifth Amendment Violation.

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

//

//

//

//

1 POINTS AND AUTHORITIES

2 FACTS¹

3 On August 5, 2015, at about 8:20 P.M., the defendant brutally murdered his ex-
4 girlfriend, Josie Jones, by stabbing her multiple times while in a Walgreens parking lot located
5 at the intersection of Tropicana and Decatur. As she lay dying, the defendant stood over her
6 and said, “I said I would get you bitch, I got you, you fucking bitch.” The defendant
7 subsequently fled the scene in a vehicle. Josie’s fifteen year-old daughter, D.L., witnessed the
8 attack and identified the defendant as her mother’s killer. Josie had broken up with the
9 defendant some months before when she learned that the defendant had molested D.L. and
10 had surreptitiously taken photographs of D.L. while partially dressed.

11 About four hours after the murder, the defendant approached Officer V. Haynes while
12 Haynes and fellow police officer T. Swartz were on a traffic stop in downtown Las Vegas.
13 According to Haynes, the defendant told him that he “need[ed] to talk.” He informed the
14 officer that “he was involved in an incident” in the Walgreen’s parking lot at Tropicana and
15 Decatur and that he “thinks he’s wanted.” The defendant then said something to the effect that
16 he “didn’t want to say anything else ‘cause he didn’t want to get.... into trouble...” After
17 Officer Haynes told Officer Swartz about the Defendant’s statements, Officer Swartz reviewed
18 the defendant’s criminal record in his police car. Swartz quickly suspected that the defendant
19 was involved in the murder at the Walgreen’s several hours before, and therefore detained the
20 defendant by placing him handcuffs. He then notified the primary detectives investigating the
21 murder of the defendant’s apprehension.

22 Upon arrival, detectives spoke with Officers Haynes and Swartz, and then spoke with
23 the defendant.² Afterwards, Officers Haynes and Swartz transported the defendant to an
24 interview room at police headquarters. According to Officer Swartz, the defendant remained
25 “quiet the whole way” to headquarters.

26
27
28 ¹ The defendant waived his preliminary hearing. Any factual information presented in this
Opposition derives solely from the police reports and witness statements.

² The police reports are silent as to the content of this conversation with the defendant.

1 At headquarters, the defendant voluntarily provided Detectives Embrey and Wilson
2 with a sample of his DNA. The detectives then initiated a recorded interview with the
3 defendant at 1:23 A.M., after they advised the defendant of his Miranda rights and after the
4 defendant signed an “Advisement for Custodial Interrogation.” (St.’s Ex. 1). The defendant
5 voluntarily spoke with the detectives, despite having told Officers Haynes and Swartz over an
6 hour before that “he didn’t want to say anything else...”

7 During the recorded interview, the defendant eventually told the detectives that he
8 thought he “should be talking to a lawyer.” Deft.’s Stmt. at 18. When thereafter asked whether
9 he wanted to talk anymore about it, the defendant confusingly replied, “No, I don’t care.” Id.
10 After that ambiguous response, the detectives continued to question the defendant about his
11 willingness to speak with them, as well as the facts of the murder.³

12 13 **ARGUMENT**

14 The Fifth Amendment guarantees that no person “shall be compelled in any criminal
15 case to be a witness against himself.” U.S. Const. Amendment V. In Miranda v. Arizona, 384
16 U.S. 436 (1966), the Supreme Court held that the Fifth Amendment affords a citizen the right
17 to be informed prior to custodial interrogation that “he has the right to remain silent, that
18 anything he says can be used against him in a court of law, that he has the right to the presence
19 of an attorney, and that if he cannot afford an attorney, one will be appointed for him prior to
20 any questioning.” Id. at 479. These warnings are prophylactic in nature and are “not
21 themselves rights protected by the Constitution.” Michigan v. Tucker, 417 U.S. 433, 444
22 (1974). Instead, they are intended to safeguard an individual from the presumed inherently
23 coercive nature of custodial interrogation; statements made under those circumstances are
24 inadmissible unless the suspect is specifically warned of his Miranda rights and freely decides
25 to forgo those rights. New York v. Quarles, 467 U.S. 649, 654 (1984).

26
27 ³ Despite the ambiguity of the defendant’s response, the State has entered into a stipulation
28 with the defendant precluding the introduction of any portion of the defendant’s statement
after he states he thinks he “should be talking to a lawyer.” The stipulation permits the State,
however, to cross-examine the defendant with the entire statement should he testify at trial.

1 In his motion, the defendant contends that the Las Vegas Metropolitan Police
2 Department (“LVMPD”) detectives violated the procedural safeguards of Miranda v. Arizona,
3 384 U.S. 436 (1966), during their custodial interrogation of the defendant. First, he argues that
4 any statements made by the defendant to detectives in downtown Las Vegas should be
5 suppressed, as well as any statement made by the defendant during his recorded interview at
6 police headquarters, because the defendant had invoked his Fifth Amendment right to silence
7 during his conversation with Officer Haynes. Second, he argues that the detectives unlawfully
8 reinitiated questioning during the recorded interview, despite providing the defendant his
9 Miranda warnings beforehand, because they did not “scrupulously honor” the defendant’s
10 invocation of his right to remain silent. Finally, the defendant alleges that recorded interview
11 must be suppressed because the standard LVMPD Miranda warnings read to him are
12 inadequate. All arguments are unavailing.

13 **1. The Defendant’s Statements to Officers Swartz and Haynes are Admissible**
14 **Because the Defendant Was not in Custody at the Time he made the Statements**

15 The defendant made statements at two distinct moments on the evening of August 6,
16 2015. First, shortly after midnight, the defendant approached Officer V. Haynes him while
17 Haynes and fellow police officer T. Swartz were on a traffic stop in downtown Las Vegas.
18 According to Haynes, the defendant told him that he “need[ed] to talk.” He informed the
19 officer that “he was involved in an incident” in the Walgreen’s parking lot at Tropicana and
20 Decatur and that he “thinks he’s wanted.” The defendant then said something to the effect that
21 “he didn’t want to say anything else ‘cause he didn’t want to get.... into trouble...” After
22 Officer Haynes told Officer Swartz about the Defendant’s statements. Officer Swartz reviewed
23 the defendant’s criminal record in his police car. Swartz immediately suspected that the
24 defendant was involved in the murder at the Walgreen’s several hours before. Swartz then
25 exited his vehicle, detained the defendant by placing him handcuffs, and notified the primary
26 officers investigating the murder.

27 These statements to Officers Haynes and Swartz are admissible because the defendant
28 was not subject to custodial interrogation at the time he made the statements. For purposes of

1 the Fifth Amendment, custody is defined as formally placing a person under arrest or “where
2 there has been such a restriction on a person’s freedom as to render him in custody.” Oregon
3 v. Mathiason, 429 U.S. 492 (1977).

4 “Custody” for purposes of the 5th Amendment is distinct from “seizure” under the 4th
5 Amendment. Pennsylvania v. Bruder, 488 U.S. 9 (1988). In State v. Taylor, 114 Nev. 1071,
6 968 P.2d 315 (1998), the Court made it clear that in Nevada the definitions of “seizure” and
7 “in custody” for purposes of Miranda are not the same as those terms have been defined for
8 Fourth Amendment Purposes. For example, a person can be seized pursuant to a traffic stop,
9 a Terry stop or for pat-down purposes but this does not necessarily render a person “in
10 custody” per Miranda.

11 In Nevada, “custody” (other than a formal arrest) was defined in Alward v. State, 112
12 Nev. 141, 912 P.2d 243 (1996) overruled on other grounds by Rosky v. State, 121 Nev. 184,
13 111 P.3d 690 (2005)). In Alward, the Nevada Supreme Court stated if a reasonable person in
14 the suspect’s position would have understood he/she was free to leave, then they are not in
15 custody. See also Berkemer v. McCarty, 468 U.S. 420 (1984). The court went on to state that
16 in such instances important factors would include the following: “(1) the site of the
17 interrogation; (2) whether the investigation has focused on the subject; (3) whether the
18 objective indicia of arrest are present; and (4) the length and form of questioning.” No one
19 factor is controlling.

20 Here, the defendant voluntarily approached Officers Haynes and Swartz on the street,
21 and made statements to them. At no point prior to the statements was the defendant placed in
22 handcuffs or ordered not to leave. Instead, the officers attempted to verify the defendant’s
23 identity and corroborate his statements before placing him in handcuffs and taking any further
24 action to prevent the defendant from leaving. Consequently, nothing he said to Officers
25 Haynes and Swartz should be suppressed.

26 ///

27 ///

28 ///

1 **2. The defendant's post-Miranda statements to detectives are admissible.**

2 The defendant also argues that the defendant's statements to police detectives
3 inadmissible because (1) the defendant had previously invoked his right to silence to Officers
4 Haynes and Swartz, and (2) the Miranda warnings provided by the detectives were inadequate.
5 Neither argument is compelling.

6 A. Even assuming that the defendant invoked his right to silence, detectives lawfully
7 re-initiated custodial interrogation after reading the defendant his *Miranda*
8 warnings.

9 Police reports indicate that, after Officers Haynes and Swartz took the defendant into
10 custody, the defendant was transported to LVMPD headquarters. There, he voluntarily
11 provided Detectives Embrey and Wilson with a sample of his DNA. The detectives then
12 initiated a recorded interview with the defendant at 1:23 A.M., after they advised the defendant
13 of his Miranda rights **and** after the defendant signed an "Advisement for Custodial
14 Interrogation." (St.'s Ex. 1). The defendant then voluntarily spoke with the detectives, despite
15 having told Officers Haynes and Swartz over an hour before that "he didn't want to say
16 anything else ..."

17 The United States Supreme Court addressed this very issue in Michigan v. Mosley,
18 where the Court held that after a suspect asserts his or her right to silence, police may initiate
19 further interrogation if they "scrupulously honor" the suspect's right to remain silent. 423 U.S.
20 96, 103-06 (1975). In that case, Mosley had been arrested for robbery. After police advised
21 him of his Miranda rights, Mosley invoked his right to remain silent. The officer immediately
22 ceased questioning and Mosley was taken to jail. Two hours later, another policeman
23 questioned Mosley about an unrelated murder after first giving him the Miranda warning.
24 Mosley did not invoke his right to counsel or re-invoke his right to silence, and made
25 inculpatory admissions. Looking to the totality of those circumstances, the Court ruled that
26 defendant's admissions were legally obtained because "a review of the circumstances...
27 reveals that his 'right to cut off questioning' was fully respected..." Id.; see also Arizona v.
28 Roberson, 486 U.S. 675 (1988). In making its decision, the Court reasoned that

///

1 a blanket prohibition against the taking of voluntary statements or a permanent
2 immunity from further interrogation, regardless of the circumstances, would
3 transform the Miranda safeguards into wholly irrational obstacles to legitimate
4 police investigative activity, and deprive suspects of an opportunity to make
5 informed and intelligent assessments of their interests. Clearly, therefore, [no]
6 passage in the Miranda opinion can sensibly be read to create a per se
7 proscription of indefinite duration upon any further questioning by any police
8 officer on any subject, once the person in custody has indicated a desire to
9 remain silent.

10 Mosley, 423 U.S. at 102-03.

11 The Supreme Court's decision in Mosley rested on four factors: "the amount of time
12 that elapsed between interrogations, the provision of fresh warnings, the scope of the second
13 interrogation, and the zealousness of officers in pursuing questioning after the suspect has
14 asserted the right to silence." United States v. Hsu, 852 F.2d 407, 410 (9th Cir. 1988).
15 Nonetheless, those factors are not controlling. In United States v. Hsu, the Ninth Circuit
16 recognized that

17 [a]t no time... did the [Supreme] Court suggest that these factors were
18 exhaustive, nor did it imply that a finding as to one of the enumerated factors --
19 such as, for example, a finding that only a short period of time had elapsed --
20 would forestall the more general inquiry into whether, in view of all relevant
21 circumstances, the police "scrupulously honored" the right to cut off
22 questioning.

23 Id. Thus, in Hsu, the Ninth Circuit found that federal agents scrupulously honored the
24 defendant's right to remain silent despite subjecting him to a second custodial interrogation
25 on the same subject matter within thirty (30) minutes of Hsu's invocation of his right to remain
26 silent. Id. at 409-11. During the subsequent interrogation, the defendant made inculpatory
27 statements. Id. at 409. In affirming the use of those inculpatory statements at trial, the Ninth
28 Circuit adhered to the "flexible approach" of Mosley "that takes account of all relevant
circumstances." Id. at 410. The Court found, therefore, "that neither the amount of elapsed
time nor the identity of subject matter are of primary importance" to the determination. Id.
Rather, the Court "focus[ed] on the validity of the second waiver," including "the provision
of a fresh set of warnings" and "the actual coercion exerted by police upon a suspect in order
to extract information." Id. at 410-11. The Court ultimately concluded that the statements were
admissible because the actions of the interrogating federal agent "was the antithesis of

1 coercion and intimidation” and because the agent re-advised Hsu of his Miranda rights prior
2 to the second interrogation. Id. at 411-12.

3 Nevada specifically adopted the reasoning of Hsu in Dewey v. State, 123 Nev. 483, 169
4 P.3d 1149 (2007) (“We now adopt the Ninth Circuit's approach in Hsu and view the Mosley
5 factors not as inflexible constraints but instead as relevant factors to be considered in
6 determining if the police ‘scrupulously honored’ the defendant's right to remain silent.”). In
7 Dewey, the Nevada Supreme Court found that the police scrupulously honored Dewey’s
8 invocation of her right to remain silent because detectives immediately ceased questioning
9 upon Dewey’s invocation, returned for further interrogation only after two hours had passed,
10 and re-advised Dewey of her Miranda warnings. Id., 123 Nev. at 491.

11 In light of Hsu and Dewey, it cannot be alleged that the police detectives here failed to
12 scrupulously honor the defendant’s right to silence. Prior to the subsequent interrogation at
13 police headquarters, the detectives advised the defendant of his Miranda rights, and the
14 defendant signed an “Advisement for Custodial Interrogation.” The defendant then freely
15 spoke with detectives about the murder, without suffering any coercion or intimidation by
16 police. Finally, the interrogation took place more than an hour after the defendant told Officers
17 Haynes and Swartz that “he didn’t want to say anything else ’cause he didn’t want to get....
18 into trouble...” – which is at least thirty minutes longer than the interim period discussed in
19 Hsu.⁴

20 The defendant’s argument directly contrasts with the “flexible approach” of Mosely,
21 Hsu, and Dewey. He contends that detectives provided no “break from police directives to
22 compose himself or gather his thoughts” because they contacted him within ten or twenty
23 minutes of his invocation, drove him to police headquarters, took photographs of him, and
24 obtained a DNA sample immediately prior to interrogating him on the same subject matter he
25 previously discussed with Officers Haynes and Swartz. Det.’s Mot. at 12. However, Mosley,

26
27 ⁴ While the defendant alleges that police detectives arrived at the scene of the defendant’s
28 arrest in downtown Las Vegas to interrogate him, there is simply no record that the police
detectives began their interrogation prior to the recorded interview at police headquarters. The
defendant has provided no evidence or affidavit to the contrary.

1 Hsu, and Dewey do not require a blanket rule that a suspect be afforded an opportunity for
2 quiet reflection, away from “police directives,” between an initial invocation and subsequent
3 re-interrogation. Such a mandate would render subsequent re-interrogations impossible in
4 most circumstances, as most suspects are in police custody or jail during interrogations. Once
5 arrested and incarcerated, a suspect is never free from “police directives.” To read such an
6 “inflexible constraint” into Mosley, Hsu, and Dewey would therefore eviscerate Mosley’s
7 “flexible approach” in favor of a bright-line rule mandating that suspects be free from “police
8 directives” prior to a subsequent re-interrogation. See Hsu, 852 F.2d at 410-11. Indeed, the
9 defendant’s position also runs counter to the rationale of Mosley, as it assumes suspects cannot
10 “make informed and intelligent assessments of their interests” without an opportunity of quiet
11 reflection away from police officers. See Mosley, 423 U.S. at 102.⁵

12 B. The warnings provided to the defendant satisfied the requirements of *Miranda*.

13 Miranda v. Arizona established “procedural safeguards... to protect the privilege”
14 against self-incrimination. 384 U.S. at 478. To ensure that a suspect’s right to silence is
15 “scrupulously honored,” the Miranda Court ruled that, “unless other fully effective means are
16 adopted to notify the person of his right of silence,” a suspect must

17 be warned prior to any questioning that he has the right to remain silent, that
18 anything he says can be used against him in a court of law, that he has the right
19 to the presence of an attorney, and that if he cannot afford an attorney one will
be appointed for him prior to any questioning...

20 Id.

21 Subsequent decisions of the Supreme Court clarified that police are not required to
22 recite the words of the Miranda opinion verbatim. California v. Prysock, 453 U.S. 355, 359-
23 60 (1981); Duckworth v. Eagan, 492 U.S. 195, 202 (1989) (“We have never insisted that
24 Miranda warnings be given in the exact form described in that decision.”). Rather, “[t]he
25

26 ⁵ The State also notes that, despite the defendant’s allegation that he was constantly badgered
27 by police directives, the record evidences otherwise: Officer Swartz remarked in his interview
28 that the defendant “was quiet the whole way” to police headquarters, which indicates to the
State that the defendant was afforded an opportunity to gather his thoughts, away from “police
directives.”

1 inquiry is simply whether the warnings reasonably ‘convey to [a suspect] his rights as required
2 by Miranda.’ Eagan, 492 U.S. at 203, quoting Prysock, 453 U.S. at 361. Therefore,
3 “[r]eviewing courts therefore need not examine Miranda warnings as if construing a will or
4 defining the terms of an easement.” Id.

5 Here, however, it goes without question that the advisement given to the defendant was
6 constitutionally adequate because the detectives strictly adhered to the verbatim language of
7 Miranda. In United States v. Noti, the Ninth Circuit found a Miranda advisement to be
8 deficient because police did not tell the appellant that he had the right to counsel before and
9 during custodial interrogation. 731 F.2d 610, 615 (9th Cir. 1984). In rendering its decision, the
10 Noti Court lamented “how simple it is for the police to avoid allegations of error in the Miranda
11 warnings,” and advised that

12 [t]he police can always be certain that Miranda has been satisfied if they simply
13 read the defendant his rights from a prepared card. Although we do not require
14 such a reading, we encourage it. **A verbatim reading would, in all instances,
preclude claims such as Noti’s [that the Miranda warnings were defective].**

15 731 F.2d 610, 615 (9th Cir. 1984) (emphasis added).

16 As suggested in Noti, the detectives in this case “read the defendant his rights from a
17 prepared card.” See Noti, 731 F.2d at 615. The advisement repeated the language of Miranda
18 verbatim:

19 ...[Y]ou are under arrest and you’re not free to leave, so we need to read you
20 your rights if we want talk to you. So that’s what I’m gonna do right now, I’ve
21 got a card here, it’s Advisement for Custodial Interrogation, so since you are in
22 custody I’m gonna go ahead and read you your right from the card okay. Do you
23 understand that? Okay. If you have any questions while I’m reading [them] just
24 stop me and we can go over it and I’ll explain it – try and explain it a little bit
better okay. **You have the right to remain silent. Anything you say can be
used against you in a court of law. You have the right to the presence of an
attorney during questioning. If you cannot an attorney, one will be
appointed before questioning.**

25 Deft.’s 8/6/2015 Stmt. at 11 (emphasis added). Additionally, the defendant signed an
26 Advisement of Custodial Interrogation, which likewise repeated the language of Miranda
27 verbatim:

28 ///

1 You have the right to remain silent. Anything you say can be used against you
2 in a court of law. You have the right to the presence of an attorney during
 questioning. If you cannot afford an attorney, one will be appointed before
 questioning. Do you understand these rights?

3 (St.'s Ex 1).

4 Despite that the Miranda warnings were given “in the exact form described in [the
5 Miranda] decision,” see Eagen, 492 U.S. at 202, the defendant alleges that the warnings were
6 constitutionally inadequate because “officers must tell the individual that he has the right to
7 consult with an attorney prior to questioning.” Deft.’s Mot. at 9. In support of his interpretation
8 of Miranda, the defendant cites to Guam v. Snaer, 758 F.2d 1341 (1985), and two recent
9 decisions by the federal district court of for the District of Nevada, United States v. Chavez,
10 111 F.Supp. 3d 1131, 1136 (D. Nev. 2015), and United States v. Loucious, 2016 U.S. Dist.
11 LEXIS 21051 (D. Nev. 2016).

12 In Snaer, the Ninth Circuit addressed whether Guam’s custodial interrogation warning
13 form “adequately informed [Snaer] of his right to consult with and have a lawyer, retained or
14 appointed, present *prior* to questioning.” Snaer. 758 F.2d at 1342 (emphasis in the original).
15 In pertinent part, the form advised Snaer that he had “a right a right to consult with a lawyer
16 and to have a lawyer present... while... being questioned.” Id. The Court held that Miranda
17 recognized an individual right “to consult with counsel prior to questioning,” Miranda, 384
18 U.S. at 470, and furthermore, that “the Guam form [did] not expressly inform Snaer that he
19 had the right to consult with an attorney *prior* to questioning...” Snaer, 758 F.2d at 1343.
20 Nonetheless, the Court found the Guam form was constitutionally adequate because it
21 impliedly “convey[ed] notice of the right to consult with an attorney before questioning” when
22 the entirety of the aforementioned warning was read in context. Id. at 1343.

23 In Chavez and Loucious, the federal district court judges found the same Miranda
24 warnings at issue in this case to be inadequate because, like here, the police warnings did not
25 explicitly or implicitly convey that the suspects had a right to consult with a lawyer before
26 questioning, as required by Snaer. Chavez, 111 F. Supp. at 1146 quoting United States v.
27 Connell, 869 F.2d 1349, 1352 (9th Cir. 1989); Loucious at 10 (same); see Eagan, 492 U.S. at
28 203; Prysock, 453 U.S. at 361. In Chavez, for example, the federal district judge reasoned that

1 the language of the advisement, and the order of its sentences, “undercut[] the notion that the
2 attorney would be able to have an active role in consulting with or advising Chavez before or
3 even during the questioning.” 111 F.Supp. at 1146. Rather, “[t]he phrasing suggests the role
4 of the attorney would be that of a neutral observer rather than an active participant whose
5 purpose is the protection of Chavez’ rights.” *Id.* Similarly, in *Loucious*, the district court judge
6 believed the same language “did nothing to suggest Loucious's right to an attorney was broader
7 than merely having an attorney standing by during questioning.” *Loucious* at 8.

8 Given that the advisements in *Chavez*, *Loucious*, and in this case are taken **verbatim**
9 from *Miranda*, it is difficult to comprehend the district courts’ conclusions. If *Miranda* held,
10 in part, that an individual has the right to consult with an attorney prior to questioning, how
11 could a federal district court rule that the “order of the sentences” or the “phrasing” of the
12 *Miranda* warnings **created by the Supreme Court itself** did not reasonably convey that right?
13 In truth, the language created by the Supreme Court in *Miranda*, and read to the defendant
14 here, reasonably “convey[s]... his rights as required by *Miranda*.” See *Eagan*, 492 U.S. at 203
15 (quotations and citations omitted). The defendant was concisely informed that he had “the
16 right to the presence of an attorney during questioning” and that, if he could not afford an
17 attorney, “one [would] be appointed before questioning.” The “order of the sentences” and the
18 “phrasing” of the warning is very similar to *Snaer*’s advisement that he had “a right a right to
19 consult with a lawyer and to have a lawyer present... while... being questioned.” See *Snaer*,
20 758 F.2d at 1342. As the language here is so similar to *Snaer*, reading the first advisement in
21 the context of the second “adequately convey[s] notice of the right to consult with an attorney
22 before questioning.” See *Snaer*, 758 F.2d at 1343.

23 Thus, it is quite clear that the logic of the defendant (and the federal district courts) is
24 fallacious. Having read to the defendant the explicit *Miranda* warnings verbatim from that
25 decision, this Court cannot conclude that the *Miranda* warnings were inadequate.

26 ///

27 ///

28 ///

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

CONCLUSION

For the reasons stated above, the defendant’s Motion to Suppress must be denied.

DATED this 5th day of May, 2016

Respectfully submitted,

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

BY /s/ Jeffrey S. Rogan
JEFFREY S. ROGAN
Chief Deputy District Attorney
Nevada Bar #10734

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the foregoing Opposition, was made this 5th day of May, 2016, by Electronic Filing to:

Jordan Savage, Chief Deputy Public Defender
savagejs@clarkcountynv.gov

Julia M. Murray, Deputy Public Defender
murrayJM@clarkcountyNV.gov

Sara Ruano, Murder Team Secretary
ruanosg@clarkcountynv.gov

BY /s/ Jeffrey S. Rogan
JEFFREY S. ROGAN
Chief Deputy District Attorney
Nevada Bar #10734

JSR/GANG

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONSENT TO SEARCH CARD

Date: 8-6-15 Event #: 150805-3825

I, LEONARD WOODS, having been informed of my right not to have a search made of the premises/property listed hereafter without a search warrant issued by a court of jurisdiction, and of my right to refuse to consent to a search for items directly or indirectly related to the investigation of MURDER WITH DEADLY WEAPON,

do hereby voluntarily consent to a search of Address/Description THE PERSON OF LEONARD WOODS

for the following: DNA SAMPLE BUCCAL SWAB KIT HAND SWABS

Signature: [Signature] Witness: [Signature] 3836

LVMPD 79A (REV. 10-00)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ADVISEMENT FOR CUSTODIAL INTERROGATION

Adults

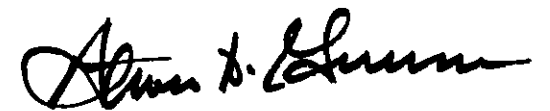
You have the right to remain silent.
Anything you say can be used against you in a court of law.
You have the right to the presence of an attorney during questioning.
If you cannot afford an attorney, one will be appointed before questioning.
Do you understand these rights?

Juveniles

You have the right to remain silent.
Anything you say can be used against you in a court of law.
You have the right to the presence of an attorney during questioning.
If you cannot afford an attorney, one will be appointed before questioning.
Do you understand these rights?
Do you wish your parent or guardian to be present?

Date and Time <u>8-6-15 0123</u>	Signed <u>[Signature]</u>
Officer <u>[Signature] 3836</u>	File # <u>150805-3825</u>

LVMPD 99 (REV. 11-10)



CLERK OF THE COURT

RSPN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JEFFREY S. ROGAN
Chief Deputy District Attorney
Nevada Bar #10734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD RAY WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: XII

STATE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL DISCOVERY

DATE OF HEARING: 05/12/2016
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JEFFREY S. ROGAN, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Motion to Compel Discovery.

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

POINTS AND AUTHORITIES

LAW

The prosecution holds an indispensable legal duty to not only disclose to the defendant all inculpatory evidence in its possession pursuant to statute, see e.g. NRS

1 174.233 et seq., but also to disclose to the defendant all material evidence in its possession
2 that is favorable to an accused because it is either exculpatory or has impeachment value
3 (hereinafter, such favorable evidence shall be referred to as “Brady material”). Brady v.
4 Maryland, 373 U.S. 83 (1963); *U.S. v. Bagley*, 473 U.S. 667, 676 (1985). While the former
5 requirement derives explicitly from statute, the latter requirement is of constitutional
6 dimension. Brady, 373 U.S. at 87. This duty to disclose applies to the prosecution without
7 regard to whether a defendant makes a request for discovery. U.S. v. Agurs, 427 U.S. 97,
8 107 (1976).

9 A prosecutor’s obligation to provide discovery to a defendant, however, is limited to
10 only that information required by statute or Brady. See Weatherford v. Busey, 429 U.S. 545,
11 559 (1977) (“There is no general constitutional right to discovery in a criminal case, and
12 Brady did not create one... ‘the Due Process Clause has little to say regarding the amount
13 of discovery which the parties must be afforded...’” [citation omitted]); Kyles v. Whitley,
14 514 U.S. 419, 436-37 (1995) (“We have never held that the Constitution demands an open
15 file policy...”). In Nevada, NRS 174.235 outlines specifically the affirmative pretrial
16 discovery obligations of the State:

17 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the
18 request of a defendant, the prosecuting attorney shall permit the defendant to
19 inspect and to copy or photograph any: (a) Written or recorded statements or
20 confessions made by the defendant, or any written or recorded statements made
21 by a witness the prosecuting attorney intends to call during the case in chief of
22 the State, or copies thereof, within the possession, custody or control of the State,
23 the existence of which is known, or by the exercise of due diligence may become
24 known, to the prosecuting attorney; (b) Results or reports of physical or mental
25 examinations, scientific tests or scientific experiments made in connection with
26 the particular case, or copies thereof, within the possession, custody or control
27 of the State, the existence of which is known, or by the exercise of due diligence
28 may become known, to the prosecuting attorney; and (c) Books, papers,
documents, tangible objects, or copies thereof, which the prosecuting attorney
intends to introduce during the case in chief of the State and which are within
the possession, custody or control of the State, the existence of which is known,
or by the exercise of due diligence may become known, to the prosecuting
attorney.

1 2. The defendant is not entitled, pursuant to the provisions of this section, to the
2 discovery or inspection of: (a) An internal report, document or memorandum
3 that is prepared by or on behalf of the prosecuting attorney in connection with
4 the investigation or prosecution of the case. (b) A statement, report, book, paper,
5 document, tangible object or any other type of item or information that is
6 privileged or protected from disclosure or inspection pursuant to the
7 Constitution or laws of this state or the Constitution of the United States.

8 3. The provisions of this section are not intended to affect any obligation placed
9 upon the prosecuting attorney by the Constitution of this state or the Constitution
10 of the United States to disclose exculpatory evidence to the defendant.

11 Beyond state statute, Brady v. Maryland also requires disclosure by the prosecution
12 of only that “evidence favorable to an accused... where the evidence is material either to
13 guilt or to punishment...” 373 U.S. at 87.

14 In interpreting the prosecution’s discovery obligations under Brady and discovery
15 statutes, the Nevada Supreme Court has recognized the limited nature of the prosecution’s
16 duty to disclose.

17 First, the prosecution need not disclose information immaterial to the defense,
18 writing that “the State is under no obligation to accommodate a defendant's desire to flail
19 about in a fishing expedition...” Sonner v. State, 112 Nev. 1328, 1340-41 (1996). In other
20 words, the prosecution need not “compile information or pursue an investigative lead
21 simply because it could conceivably develop evidence helpful to the defense.” Evans v.
22 State, 117 Nev. 609, 627 (2001). In Sonner, citing Nevada’s criminal discovery statute and
23 Brady, the defendant sought disclosure of personnel records of the victim, a Nevada
24 Highway Patrolman, “to rebut State evidence of [the victim’s] value as a law enforcement
25 officer and an individual.” Id. at 1340. In affirming the district court’s denial of the
26 defendant’s discovery request, this Court held that

27 [a] defendant must advance some factual predicate which makes it reasonably
28 likely the requested file will bear information material to his or her defense.
A bare assertion that a document “might” bear such fruit is insufficient.

Id. at 1340-41 (quotations and citations omitted). Because Sonner’s discovery request “was
based on nothing more than the assertion of a general right to search for whatever

1 mitigating evidence might be found in [the victim's] records," it was in excess of the
2 prosecution's discovery obligations. Id.; see also Evans, 117 Nev. 609 at 627.

3 Second, the prosecution does not violate its discovery obligations when it does not
4 disclose information that is not "favorable" to the defense or "material either to guilt or to
5 punishment." Under Brady, evidence is "favorable" to an accused when it is information
6 that is exculpatory or has impeachment value, Brady, 373 U.S. at 87; Bagley, 473 U.S. at
7 676, and is "material" if its nondisclosure would undermine confidence in the outcome of
8 the trial. Lay, 116 Nev. at 1194. The determination of the "character of a piece of evidence"
9 as material and favorable to the defendant "will often turn on the context of the existing or
10 potential evidentiary record," and it initially falls to the prosecutor to determine whether
11 evidence should be disclosed. Lay v. State, 116 Nev. 1185, 1194 (2000).

12 Third, although a prosecutor must "learn of any favorable evidence known to the
13 others acting on the government's behalf in [the] case, including the police," a prosecutor
14 is under no duty to investigate potential Brady material not known to the prosecution and
15 which exists outside the possession of investigative agents acting on the government's
16 behalf in the case. Kyles v. Whitley, 514 U.S. 419, 437 (1995). In interpreting Kyles's
17 mandate to learn of favorable evidence, the Supreme Court of California has noted that
18 "[c]ourts have... consistently declined to draw a distinction between different agencies
19 under the same government, focusing instead upon the 'prosecution team' which includes
20 both investigative and prosecutorial personnel." In re Brown, 17 Cal.4th 873, 879 (1998)
21 quoting United States v. Auten, 632 F.2d 478, 481 (5th Cir.1980); see e.g. Smith v.
22 Secretary Dept. of Corrections, 50 F.3d 801, 824 (10th Cir.1995) ("the prosecution"
23 extends to law enforcement personnel and other arms of the state involved in investigative
24 aspects); Moon v. Head, 285 F.3d 1301, 1309 (11th Cir. 2002) (Brady applies only to
25 favorable evidence possessed by the "prosecution team", meaning "the prosecutor or
26 anyone over whom he has authority" (citations omitted)). In other words, only if a
27 prosecutor is in the "**unique position** to obtain information known to other agents of the
28 government" should a district court order the State to obtain and disclose such information.

1 See Carriger v. Stewart, 132 F.3d 463 (9th Cir. 1997) (emphasis added). As the Nevada
2 Supreme Court has held, the State bears no burden “to disclose evidence which is available
3 to the defendant from other sources, including diligent investigation by the defense.”
4 Steese v. State, 114 Nev. 479, 495 (1998); *U.S. v. Davis*, F.2d 1501, 1505 (11th Cir. 1986).

5
6 STATE’S RESPONSES TO DEFENDANT’S DISCOVERY REQUESTS

7 In light of the foregoing obligations and limitations, the State respectfully responds to
8 the defendant’s discovery requests as follows:

9
10 **1. Defendant’s Recorded/Written Statements, Notes of Interviews with Defendant, and
Oral Statements of the Defendant.**

11 Defendant requests any recordings of his interviews with police, transcripts of the
12 same, police notes related to any recorded or unrecorded interview he had with police, and
13 “any statements attributable to the defendant.” Deft.’s Mot. at 16. Defendant’s request is
14 overbroad, and should be granted in part and denied in part.

15 (a) Defendant’s Recorded Statements.

16 The State is obligated to provide Defendant with “[w]ritten or recorded
17 statements or confessions made by the defendant...” NRS 174.235(1)(a).
18 Consequently, this Court should order the State to disclose any recordings of the
19 defendant’s interviews with the police. This portion of the request should therefore
20 be granted.

21
22 (b) Oral Statements Made by Defendant.

23 On the other hand, the State is not obligated to notice Defendant of any oral
24 statement he made to police. See NRS 174.235(1)(a) (requiring prosecutors to
25 disclose only written or recorded statements of Defendant). This portion of the
26 request should be denied.

27 ///

28 ///

1 (c) Police Notes Regarding Interviews with Defendant.

2 This portion of the request should be denied unless the notes contain “Brady
3 material.” Unless the notes contain exculpatory information, NRS 174.235 does not
4 require the State to disclose any police officer’s notes to Defendant. Courts have
5 routinely held that police officer notes are not subject to discovery. In State v. Bray,
6 569 P.2d 688 (Ore. App. 1977), an officer arrested a suspect on a DUI charge. He
7 recorded observations in a booklet. He later prepared a report from his penciled notes
8 and erased the notes. The final report was furnished to the defense. At trial, the court
9 ruled that because the officer had taken notes while speaking to a witness and those
10 notes had been destroyed, the State would be precluded from calling the witness at trial.
11 The issue on appeal was whether the fragmentary notes of the officer constituted a
12 statement within the meaning of the state discovery statutes. The Appellate Court
13 reversed the trial court:

14 We construe the statute to require production of any “statement” which is
15 intended by its maker as an account of an event or a declaration of a fact.
16 The statutory purposes of providing witness statements are to minimize
17 surprise, avoid unnecessary trial, provide adequate information for informed
18 pleas and to promote truthful testimony by allowing examination based on
19 prior inconsistent statements. . . Requiring preservation and availability of
20 fragmentary notes intended only as a touchstone for memory would be more
likely to discourage police officers from taking notes, with a consequent
reduction in accuracy, than to promote the statutory goals. Furthermore, it
would be unfair and misleading to allow cross-examination of a witness
based upon fragmentary or cryptic notes which were never intended to
express a complete statement. For these reasons, we hold that fragmentary
notes are not subject to production under discovery statutes.

21 Id. at 690; State v. Wrisley, 909 P.2d 877 (Ore. App. 1995) (noting that police notes
22 are not discoverable when their substance is incorporated into a report disclosed to the
23 defendant); see also State v. Jackson, 571 P.2d 523 (Ore. App. 1978) (holding that a
24 rough draft of a report an officer dictated to a stenographer was not discoverable).

25 ///

26 ///

27 ///

28 ///

1 **2. Transcripts, Notes, and Recordings of Interviews of Any Witness.**

2 Defendant requests any recordings of witness interviews with police, transcripts of the
3 same, and police notes related to any recorded or unrecorded interview. Deft.'s Mot. at 16-17.
4 Defendant's request is overbroad, and should be granted in part and denied in part. The State
5 incorporates by reference its response to Defendant's Request #1, supra.

6 **3. Disclosure of Inconsistent Statements.**

7 This request should be granted to the extent that (1) the statement is materially
8 inconsistent so as to affect the credibility of a witness, see Giglio v. United States, 405 U.S.
9 150, 153–55 (1972), and (2) the statement is made to the prosecutor or an investigative agent
10 of the prosecutor, as the State should not be held vicariously responsible to disclose
11 inconsistent statements made to a "State employee" who is uninvolved in the investigation or
12 prosecution of this case. See Smith, 50 F.3d at 824 ("the prosecution" extends to law
13 enforcement personnel and other arms of the state involved in investigative aspects).

14 **4. Compensation or Benefits Provided to State Witnesses.**

15 Defendant next requests "records and notes regarding any benefits or assistance given
16 to any witness related to the case." Deft.'s Mot. at 17. Pursuant to Brady v. Maryland, 373
17 U.S. 83 (1963), the State is obligated to disclose to the defendant "evidence favorable to an
18 accused...where the evidence is material either to guilt or to punishment, irrespective of the
19 good faith or bad faith of the prosecution." 373 U.S. at 87. This includes any evidence that
20 would indicate that a witness is biased in favor of the prosecution because of promises, rewards
21 or inducements made to the witness by the State or its investigative agents, whether explicit
22 or implicit. See Giglio v. United States, 405 U.S. 150 (1972) (holding that an Assistant United
23 States Attorney's promise to a witness that he would not be prosecuted if he testified for the
24 prosecution is relevant to the witness's credibility and should have been disclosed to the
25 defendant); United States v. Bagley, 473 U.S. 667, 683-84 (1985) (wherein the Court used the
26 terms "promises of reward" and "inducements" to refer to a prosecutor's disclosure obligation
27 under Giglio); Jimenez v. State, 112 Nev. 610, 622, 918 P.2d 687, 695 (1996) ("it is equally
28 clear that facts which imply an agreement would also bear on [a witness's] credibility and

1 would have to be disclosed.” (quoting United States v. Shaffer, 789 F.2d 682, 688 (9th Cir.
2 1986)).).

3 Here, however, Defendant’s request exceeds the foregoing authority, and therefore
4 should be denied in part and granted in part as detailed herein.

5 (a) Defendant is not Entitled to Information Regarding Statutory Witness Fees, Travel
6 Expenses, and Per Diem Allowances.

7 By law, any witness appearing in a criminal case in obedience to a subpoena is
8 entitled to compensation, whether the subpoena is issued by the State or by the
9 defendant. NRS 50.225(1)(a) entitles witnesses “attending the courts of this State in
10 any criminal case... in obedience to a subpoena... [t]o be paid a fee of \$25 for each
11 day’s attendance, including Sundays and holidays.” Witnesses are also entitled to
12 “mileage reimbursement,” NRS 50.225(1)(b) and a per diem allowance, NRS
13 50.225(2). Additionally, witnesses residing outside the jurisdiction of the Court are
14 “entitled to reimbursement for the actual and necessary expenses for going to and
15 returning from the place where the court is held.” NRS 50.225(3).

16 Thus, receipts showing that a State witness received statutorily required witness
17 fees, travel expenses, or per diem fees are not “evidence affecting credibility” under
18 Giglio, and consequently, are not discoverable. The fees cannot be favorable to the
19 defendant because a witness’s credibility cannot be impeached for receiving
20 compensation to which he or she is legally entitled to receive, and which the county
21 is legally obligated to provide. Lacking impeachment value, the payments are
22 immaterial to both guilt and punishment because their disclosure cannot affect the
23 outcome of the trial. See United States v. Bagley, 473 U.S. 667, 675 (1985); Roberts
24 v. State, 110 Nev. 1121, 1132, 881 P.2d 1, 8 (1994) (adopting the “reasonable
25 possibility” materiality test for nondisclosure of evidence favorable to the defendant
26 after a specific request).

27 Moreover, this information can be obtained by the defendant; the State bears no
28 burden “to disclose evidence which is available to the defendant from other sources,

1 including diligent investigation by the defense.” Steese v. State, 114 Nev. 479, 495
2 (1998); United States v. Davis, 787 F.2d 1501, 1505 (11th Cir. 1986). Here, the
3 requested evidence is maintained as a public record by the Clark County
4 Department of Finance. The defendant may subpoena that office for these records.

5 Finally, it is important to note that the decision of this Court to preclude
6 discovery of the requested evidence in no way limits the defendant’s right of cross-
7 examination. The defendant is aware that a witness is entitled to per diem payments
8 and travel reimbursements; he can consequently fully cross-examine any witness
9 whether the witness received such payments or promises of payment. See Davis v.
10 Alaska, 415 U.S. 308, 318 (1974) (Confrontation Clause violated when defendant
11 denied right to cross-examine a prosecution witness regarding the witness’s juvenile
12 criminal record) but see Pennsylvania v. Ritchie, 480 U.S. 39, 52-53 (1987) (holding
13 that “the right to confrontation is a trial right, designed to prevent improper
14 restrictions on the types of questions that defense counsel may ask during cross-
15 examination... The ability to question adverse witnesses, however, does not include
16 the power to require the pretrial disclosure of any and all information that might be
17 useful in contradicting unfavorable testimony.”).

18 (b) Defendant is not Entitled to Counseling Referrals.

19 A promise or implied promise to provide counseling or treatment services to a
20 witness would constitute a benefit. Neither the State nor its investigative agents,
21 however, provide “counseling” or “treatment” to witnesses, and neither promise to
22 provide witnesses with “counseling” or “treatment” at any outside facility. While
23 the State does refer witnesses to pertinent third-party counseling agencies from time
24 to time, these referrals cannot be deemed material evidence bearing on the
25 credibility of a witness under Brady and Giglio. Given that the witness may
26 participate in the third-party counseling program irrespective of the witness’s
27 cooperation with the criminal prosecution of the defendant, there exists no
28 “reasonable possibility” that a mere referral to an outside agency “will affect the

1 judgement of the trier of fact, and thus the outcome of the trial.” Roberts v. State,
2 110 Nev. 1121, 1132, 881 P.2d 1, 8 (1994) (adopting the “reasonable possibility”
3 materiality test for nondisclosure of evidence favorable to the defendant after a
4 specific request).

5 (c) Defendant is Entitled to Inducements Paid by the State or its Investigative Agents.

6 Expenses paid to witnesses by the State or its investigative agents, which are not
7 obligated by statute, constitute an inducement under Giglio and Bagley. See Giglio,
8 405 U.S. 150; United States v. Bagley, 473 U.S. 667, 683-84 (1985) (wherein the
9 Court used the terms “promises of reward” and “inducements” to refer to a
10 prosecutor’s disclosure obligation under Giglio). The State should be ordered to
11 disclose any such expenses. This Court should therefor order the State to inform the
12 defendant of any explicit or implicit promises, rewards, or inducements made to a
13 testifying witness by the prosecution or the investigative agents of the State. Giglio,
14 405 U.S. at 153–55; Bagley, 473 U.S. at 676 (“Impeachment evidence... as well as
15 exculpatory evidence, falls within the Brady rule.”).

16 **5. Victim Witness Office Notes**

17 The State incorporates, by reference, its response to Request #4, supra. To the extent
18 the defendant asks for “notes from the [District Attorney’s] victim witness office,” the request
19 should be denied. The defendant is not entitled to “[a]n internal report, document or
20 memorandum that is prepared by or on behalf of the prosecuting attorney in connection with
21 the investigation or prosecution of the case.” NRS 174.235(2)(a).

22 **6. Criminal History of Witnesses.**

23 This request should be granted to the extent that the State is obligated to disclose all
24 felony convictions admissible under NRS 50.095, as well as any felony or misdemeanor
25 convictions or specific instances of conduct that bear on victim’s truthfulness, if they become
26 known to the State.

27 However, the State is not required to disclose complete criminal histories of all State
28 witnesses, including out of state arrests, juvenile records, misdemeanors and older criminal

1 records, etc. Defendant errantly relies on Davis v. Alaska, 415 U.S. 308 (1974) for his request;
2 however, reliance on Davis is completely inappropriate because Pennsylvania v. Ritchie, 480
3 U.S. 39 (1987), specifically abrogated Davis on this issue. By way of background, in
4 Ritchie, the Pennsylvania trial court refused to compel a Pennsylvania state agency to
5 disclose to defense counsel certain records relating to the victim of Ritchie's crimes.
6 Relying in part on an earlier Supreme Court decision, Davis v. Alaska, 415 U.S. 308
7 (1974), the Pennsylvania Supreme Court held that the Confrontation Clause provided
8 Ritchie the right to access those state records. The Supreme Court of the United States
9 disagreed and specifically stated that nothing in Davis "transform[s] the Confrontation
10 Clause into a constitutionally compelled rule of pretrial discovery." *Id.* at 52. Instead, the
11 Court held that

12 the right to confrontation is a trial right, designed to prevent improper
13 restrictions on the types of questions that defense counsel may ask during
14 cross-examination. ***The ability to question adverse witnesses, however, does not include the power to require the pretrial disclosure of any and all information that might be useful in contradicting unfavorable testimony.***

15 *Id.* at 52-53 (citations omitted and emphasis added). The Confrontation Clause would only
16 have been violated, the Supreme Court said, if the judge "prevented Ritchie's lawyer from
17 cross-examining the daughter." *Id.* at 54.

18 Thus, the State should not be required to disclose the entire criminal history of all
19 witnesses, as that would entail disclosure of other arrests, warrants, misdemeanor convictions,
20 older criminal records, and juvenile criminal history regardless of its relevance and
21 admissibility. There is no authority granting such broad pre-trial disclosure rights to the
22 defendant in excess of those disclosures required by NRS 50.095. The defendant has not
23 "advance[d] some factual predicate which makes it reasonably likely the requested
24 [information] will bear information material to his or her defense." *Sonner v. State*, 112 Nev.
25 1328, 1340-41 (1996). As these materials cannot be used as substantive evidence in the instant
26 case and cannot be used to impeach any witness, see NRS 50.095, the defendant is simply
27 engaging in the kind of fishing expedition that the Nevada Supreme Court prohibits. See
28 Sonner, 112 Nev. at 1340-41; Evans v. State, 117 Nev. 609, 627 (2001).

1 **7. Police Reports, Notes, Body Camera, Videos, Other Documents, and 311/911 Calls.**

2 Defendant next requests “all police reports, body camera footage[,],... documents that
3 contain information pertaining to this case...[and] 911 and 311 recordings...” Deft.’s Mot. at
4 18. This request is overbroad.

5 The State is obligated only to provide Defendant with “[b]ooks, papers, documents,
6 tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during
7 the case in chief of the State and which are within the possession, custody or control of the
8 State, the existence of which is known, or by the exercise of due diligence may become known,
9 to the prosecuting attorney.” NRS 174.235(1)(c) (emphasis added). The Court should therefore
10 order the State to comply with this statute.

11 Additionally, the State will provide the 311 or 911 calls if they are “**recorded**
12 statements or confessions made by the defendant, or ... **recorded** statements made by a
13 witness the prosecuting attorney intends to call during the case in chief of the State,” or
14 statements which constitute Brady material. NRS 174.235(1)(a) (emphasis added). Any 311
15 or 911 calls that are not Brady material, or which are made by witnesses that the State does
16 not intend to call at trial, cannot be ordered disclosed to the defendant pursuant to NRS
17 174.235(1)(a).

18 **8. Identifications and Photographic Line-ups.**

19 Defendant also requests “statements of identification and/or inability/lack of
20 identification of the Defendant as the perpetrator of the alleged crime...” Deft.’s Mot. at 18.
21 The State will provide any oral or recorded statement of identification that constitutes “Brady
22 material” and any identification “document[], tangible object[], or copies thereof, which the
23 prosecuting attorney intends to introduce during the case in chief of the State and which are
24 within the possession, custody or control of the State, the existence of which is known, or by
25 the exercise of due diligence may become known, to the prosecuting attorney.” NRS
26 174.235(1)(c).

27 ///

28 ///

1 **9. Media Involvement**

2 The State will provide any written or recorded witness statement that is in the
3 possession, custody, or control of the prosecution or its investigative agents. NRS
4 174.235(1)(a). The State is not obligated to disclose or provide any written or recorded
5 statements in the possession, custody, or control of third parties.

6 **10. General Request for Exculpatory Information.**

7 The State will provide Defendant with any “Brady material” that is in the possession,
8 custody, or control of the prosecution or its investigative agents.

9 **11. Chain of Custody.**

10 The State will provide Defendant with any “Brady material” that is in the possession,
11 custody, or control of the prosecution or its investigative agents, and any “document[], tangible
12 object[], or copies thereof, which the prosecuting attorney intends to introduce during the case
13 in chief of the State and which are within the possession, custody or control of the State, the
14 existence of which is known, or by the exercise of due diligence may become known, to the
15 prosecuting attorney.” NRS 174.235(1)(c).

16 **12. CSA Reports and Forensic Reports.**

17 The State should be ordered to disclose any and all “[r]esults or reports of physical or
18 mental examinations, scientific tests or scientific experiments made in connection with the
19 particular case...” as required by NRS 174.235(1)(b). The defendant’s request for “requests
20 for testing” is overbroad, however, as the statute does not permit disclosure of such materials
21 and the defendant has not “advance[d] some factual predicate which makes it reasonably likely
22 the requested [information] will bear information material to his or her defense.” Sonner, 112
23 Nev. at 1340-41.

24 **13. Forensic Lab Information.**

25 The State will provide Defendant with any “Brady material” that is in the possession,
26 custody, or control of the prosecution or its investigative agents.

27 ///

28 ///

1 **14. Electronic Communications and Tracing Data.**

2 The State is obligated only to provide Defendant with “[b]ooks, papers, documents,
3 tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during
4 the case in chief of the State and which are within the possession, custody or control of the
5 State, the existence of which is known, or by the exercise of due diligence may become known,
6 to the prosecuting attorney.” NRS 174.235(1)(c) (emphasis added). The Court should therefore
7 order the State to comply with this statute.

8 **15. CPS Records and Reports.**

9 Pursuant to NRS 432B.290, this Court may order the release of any CPS records
10 *concerning this event*, for in camera review, to determine the relevance and admissibility of
11 the privileged records. Defendant is not entitled to any family court or domestic relations
12 proceedings related to the witnesses in this case. The State is unsure at the present moment
13 whether CPS was ever involved in this case.

14 **16. Social Workers and Case Workers; and**
15 **17. Mental Health Workers.**

16 As to Requests 16 and 17, they are privileged pursuant to NRS 174.235(2)(b) and the
17 following Nevada Revised Statutes:

18 NRS 49.209 provides as follows:

19 A patient has a privilege to refuse to disclose and to prevent any
20 other person from disclosing confidential communications
21 between himself and his *psychologist* or any other person who is
 participating in the diagnosis or treatment under the direction of
 the psychologist, including a member of the patient's family.

22 Under NRS 49.225 provides as follows:

23 A patient has a privilege to refuse to disclose and to prevent any
24 other person from disclosing confidential communications among
25 himself, his *doctor* or persons who are participating in the
 diagnosis or treatment under the direction of the doctor, including
 members of the patient's family.

26 NRS 49.252 provides as follows:

27 A client has a privilege to refuse to disclose, and to prevent any
28 other person from disclosing confidential communications among
 himself, his *social worker* or any other person who is participating

1 in the diagnosis or treatment under the direction of the social
2 worker.

3 Defendant is not entitled to the records and notes of any mental health workers who
4 have had contact with the subject minor or any other witness in this case.

5 **18. Prior Allegations of Sexual Misconduct.**

6 Defendant's request should be denied. He cites no authority for the proposition that he
7 is entitled to "any previous allegations of sexual misconduct or physical abuse made by the
8 subject minor or any witness in this case." Deft.'s Mot. at 21. While prior false allegations of
9 sexual abuse made by a victim may be admissible, for purposes of cross-examination of a
10 victim, a defendant must first establishes certain conditions—which he has not done so here.
11 See Miller v. State, 105 Nev. 497, 779 P.2d 87 (1989) (holding that a defendant bears the
12 burden to prove, by a preponderance, that the victim made prior false allegations of sexual
13 abuse). Instead, here, Defendant is asking the State to "flail about in a fishing expedition..."
14 Sonner, 112 Nev. at 1340-41, and "compile information or pursue an investigative lead
15 simply because it could conceivably develop evidence helpful to the defense." Evans, 117
16 Nev. at 627. Instead, Defendant should engage in its own investigation to determine
17 whether prior allegations of sexual misconduct were ever levied by the victim.

18 DATED this 11th day of May, 2016.

19 Respectfully submitted,

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

23 BY /s/ Jeffrey S. Rogan
24 JEFFREY S. ROGAN
25 Chief Deputy District Attorney
26 Nevada Bar #10734
27
28

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the foregoing Response was made this 11th day of May, 2016, by Electronic Filing to:

Jordan Savage, Chief Deputy Public Defender
savagejs@clarkcountynv.gov

Julia M. Murray, Deputy Public Defender
murrayJM@clarkcountyNV.gov

Sara Ruano, Murder Team Secretary
ruanosg@clarkcountynv.gov

BY /s/ Jeffrey S. Rogan
JEFFREY S. ROGAN
Chief Deputy District Attorney
Nevada Bar #10734

JSR/SAU

DISTRICT COURT
CLARK COUNTY, NEVADA

mc
DA
PP
PD.

STATE OF NEVADA

Plaintiff,

vs.

LEONARD R. WOODS

Defendant

) Case No.: C-15-309820-1

) Dept. No.: 12

) Docket No.: _____

) Date: 07/21/16

) Time: 8:30 AM

Electronically Filed

06/29/2016 09:17:23 AM

Ann D. Quinn

CLERK OF THE COURT

MOTION TO DISMISS COUNSEL
AND

APPOINTMENT OF ALTERNATE COUNSEL

COMES NOW, THE DEFENDANT, LEONARD R. WOODS, AND
MOVES THIS HONORABLE COURT TO DISMISS COUNSEL,
JULIA MURRAY, AND APPOINT OTHER COUNSEL TO REPRESENT
THIS DEFENDANT.

THIS MOTION IS BASED UPON ALL PAPERS, PLEADINGS AND
DOCUMENTS ON FILE. FACTUAL STATEMENTS SET FORTH IN
THE POINTS AND AUTHORITIES CONTAINED THEREIN.

DATED THIS DAY, ~~23~~ JUNE 23, 2016

LEONARD R. WOODS

DEFENDANT

CLERK OF THE COURT

CLERK OF THE COURT

RECEIVED
JUN 29 2016

RECEIVED
JUN 27 2016

- POINTS AND AUTHORITIES -

IT IS RESPECTFULLY REQUESTED OF THIS COURT TO
GRANT THIS MOTION TO DISMISS COUNSEL FOR THE REASONS LISTED
BELOW:

I. PROCEDURAL BACKGROUND

SINCE JULIA MURRAY WAS APPOINTED AS COUNSEL
ON AUG. 12, 2015, DEFENDANT, LEONARD R. WOODS, HAS
BEEN PREJUDICED AND SUFFERED MANIFEST INJUSTICE BASED
ON COUNSEL'S REFUSAL OR FAILURE TO:

- 1) INVESTIGATE (THOROUGHLY), AS TO CLIENT'S ORAL/Written REQUESTS
ANY DEFENSE THAT MAY HELP TO MITIGATE OR REDUCE SENTENCE
- 2) TALK TO DEFENDANT (AT ANY LENGTH) AS TO DEFENDANT'S FEELINGS
OF BEING FORCED INTO WAIVING HIS PRELIMINARY HEARING OCT. 2, 2015
- 3) THOROUGHLY TAKE INVESTIGATIVE MEASURES IN THIS CASE; AND
SUBSEQUENTLY NOT USING ALL AVAILABLE RESOURCES TO ASSIST IN
OBTAINING OR ATTEMPT AT FINDING FACTUAL BASIS AS TO
DEFENDANTS "FELONIES" CLAIM. (SEE ATTACHMENT "A")

II. ARGUMENT

DEFENDANT, LEONARD R. WOODS, ASSERTS HE IS BEING DENIED HIS :
RIGHT TO EFFECTIVE REPRESENTATION DUE WHOLLY INADEQUATE
ACTIONS OF HIS COURT-APPOINTED COUNSEL. FURTHER, COUNSEL'S INMATE
ACTION COMPORT TO NOTHING MORE THAN A VIOLATION OF DEFENDANT'S
DUE PROCESS RIGHTS (SEE ATTACHMENT "A")

ARGUMENT (CONT.)

(ATTCH: A)

1 ① ANY AND ALL ATTORNEY/CLIENT RELATIONSHIP, TRUST, COMMUNICATION
2 HAS DETERIORATED BEYOND REPAIR ② MY ALIBI(S) AND EVIDENCE
3 IN MY FAVOR HAS NOT BEEN AND IS NOT BEING THOROUGHLY
4 INVESTIGATED EVEN THOUGH I HAVE PROVIDED DATES, TIMES,
5 PEOPLE, AND PLACES SUFFICIENTLY ENOUGH TO DO SO. ③ WAS TOLD
6 BY COUNSEL THEY COULD NOT SUBPOENA PHONE RECORDS AND CELL
7 PHONE INFORMATION WHICH NRS 174.335 STATES I CAN SUBPOENA
8 FOR PRODUCTION OF DOCUMENTARY EVIDENCE AND OBJECTS ④ EVEN THOUGH
9 I ASKED VERBALLY AND IN WRITING (SEVERAL TIMES) I STILL HAVE NOT
10 BEEN GIVEN ALL OF MY DISCOVERY. ESPECIALLY ARREST REPORT (8/6/15)
11 AND VIDEO INTERVIEW OF DETECTIVES (8/6/15) ⑤ WAS TOLD I HAD ENOUGH
12 DISCOVERY TO GO FORWARD WITH PRELIMINARY HEARING (10/2/15) WHEN
13 I ARRIVED AT MY PRELIM I WAS TOLD TO "WAIVE" MY PRELIM BECAUSE
14 IT WOULD SOMEHOW BE BENEFICIAL TO ME NOT TO HAVE THE "WITNESS"
15 RELIVE THE NIGHT IN QUESTION AND THEN RECEIVED THE "BULK" OF MY
16 DISCOVERY ON 11/15/15 ⑥ AFTER TRYING TO FIRE MY PUBLIC DEFENDER
17 THROUGH THE NEVADA BAR ASSOCIATION (11/20/15) SHE RETALIATED BY
18 FALSELY STATING TO JUDGE MICHELLE LEANITT, THAT SHE "THINKS I
19 DON'T WANT A WHITE WOMAN DEFENDING ME" WHICH WAS UNTRUE,
20 UNFAIR, UNPROFESSIONAL, AND RACIST. PLUS I FELT AS THOUGH SHE
21 TRIED TO PREJUDICE THE JUDGE AGAINST ME WITH THOSE COMMENTS.
22 (12/17/15) ⑦ CLEARLY IT IS NOT IN MY BEST INTERESTS TO GO FORWARD
23 WITH THIS PUBLIC DEFENDER (JULIA MURRAY) ALSO IT IS IN MY SIXTH
24 AMENDMENT RIGHT THAT A LAWYER SHOULD ^{NOT} BE "FORCED" UPON ME AND
25 AMENDMENT FOURTEEN STATES THAT COUNSEL THRUST UPON ME WOULD NOT
26 BE AN ASSISTANT, BUT A MASTER.

ARGUMENT

DEFENDANT HAS AN UNQUALIFIED RIGHT TO LEGAL ASSISTANCE THAT EXPRESSES LOYALTY TO SAID DEFENDANT. "THE RIGHT TO COUNSEL IS THE RIGHT [ALSO] TO EFFECTIVE ASSISTANCE OF COUNSEL". COYLER VS. SULLIVAN 100 S. CT. 1708 (1980); AND FRAZIER VS. U.S. 18 F. 3d 778 (9TH CIR. 1994)

THUS, THE ADVERSARIAL PROCESS PROTECTED BY THE SIXTH AMENDMENT REQUIRES THAT THE ACCUSED HAVE "COUNSEL ACTING IN THE ROLE OF AN ADVOCATE" ANDERS VS. CALIFORNIA 87 CT. 1936

A PARTY WHOSE COUNSEL IS UNABLE TO PROVIDE EFFECTIVE OR ADEQUATE ASSISTANCE IS NO BETTER THAN ONE WHO HAS NO COUNSEL AT ALL; AND ANY APPEAL(S) WOULD BE FUTILE IN GESTURE. EVITT VS. LUCEY 105 S. CT. 830 (1985) DOUGLAS VS. CALIFORNIA, 83 S. CT. 814 (1963)

THEREFORE, DEFENDANT CONTENTS THAT ALTHOUGH COUNSEL HAS BEEN APPOINTED IN THIS CASE, THE ACTIONS OF COUNSEL, OR LACK THEREOF, HAVE CREATED UNFAIR PREJUDICE AND OBSTACLES WHICH DO NOT COMPORT THE FAIR PROCEDURES OWED TO THE DEFENDANT.

NOTWITHSTANDING THE STRONG POLICY FAVORING AUTONOMY, "ETHICAL, PROFESSIONAL, AND CONSTITUTIONAL PRINCIPLES" ESTABLISH COUNSEL'S STANDARDS OWED TO HIS/HER CLIENT. SEE: AMERICAN BAR ASSOCIATION (ABA), AND PROFESSIONAL RESPONSIBILITY CODE (CPR)

SO CLEARLY A CONFLICT OF INTEREST NOW EXIST BETWEEN COUNSEL/CLIENT (DEFENDANT), AS ALL FAITH AND TRUST HAS BEEN DIMINISHED AS A RESULT OF COUNSEL'S ACTIONS OR LACK THEREOF, AND A "SHOWING" OF CONFLICT OF INTEREST REQUIRES NO SHOWING OF PREJUDICE COYLER VS. SULLIVAN, 100 S. CT. AT 1717

THEREFORE, FUNDAMENTAL FAIRNESS REQUIRES THE ABOLITION OF PREJUDICE WHICH DEFENDANT IS PRESENTLY SUFFERING. THIS IS AN ACTUALITY THAT THE LAW MUST ADDRESS. ANYTHING SHORT OF ABDICATION WOULD FURTHER A MANIFEST OF INJUSTICE.

THE "EFFECTIVENESS (IN ASSISTANCE) OF COUNSEL" IS AN INDIVIDUAL'S MOST FUNDAMENTAL RIGHT, FOR WITHOUT IT, EVERY OTHER RIGHT DEFENDANT HAS TO ASSERT BECOMES AFFECTED.

DATED JUNE 23, 2016

RESPECTFULLY SUBMITTED.

LEONARD R. WOODS

DATED THIS 23rd day of JUNE, 2016.

I, LEONARD R. Woods, do

solemnly swear, under the penalty of perjury, that

the above MOTION TO DISMISS COUNSEL is accurate,

correct, and true to the best of my knowledge.

NRS 171.102 and NRS 208.165.

Respectfully submitted,

Leonard R. Woods

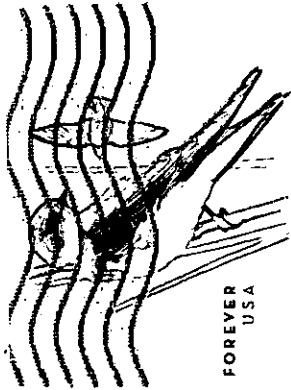
LEONARD R. WOODS

Defendant

LEONARD WOODS 1901705 7A-29
330 CASINO CENTER BLVD
LAS VEGAS, NV 89101

LAS VEGAS NV 890

23 JUN 2016 PM 4 L

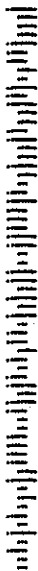


Bank Swallow

FOREVER
USA

CLERK OF THE DISTRICT COURTS
3RD FLOOR
200 LEWIS AVE.

89155-2212



0000009-10158

© USPS 2012

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



SENT FROM CCBC

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

LEONARD R. WOODS

Defendant

Case No.: C-15-309820-1

Dept. No.: X11

Docket No.: _____

Electronically Filed

11/21/2016 03:53:27 PM

CHIEF JUDGE

CLERK OF THE COURT

MOTION TO DISMISS COUNSEL
AND
APPOINTMENT OF ALTERNATE COUNSEL

COMES NOW, THE DEFENDANT, LEONARD R. WOODS, AND
MOVES THIS HONORABLE COURT TO DISMISS COUNSEL, JULIA MURRAY
(DISTRICT COURT 12, JUDGE LEAVITT) AND APPOINT OTHER COUNSEL TO
REPRESENT THIS DEFENDANT.

THIS MOTION IS BASED UPON ALL PAPERS, PLEADINGS,
AND DOCUMENTS ON FILE. FACTUAL STATEMENTS SET FORTH IN
THE POINTS AND AUTHORITIES CONTAINED THEREIN.

DATED THIS DAY, NOVEMBER 11, 2016

LEONARD R. WOODS

DEFENDANT

CLERK OF THE COURT

RECEIVED
NOV 21 2015

#53

RECEIVED

NOV 16 2016

CLERK OF THE COURT

POINTS AND AUTHORITIES

IT IS RESPECTFULLY REQUESTED OF THIS COURT TO GRANT
THIS MOTION TO DISMISS COUNSEL FOR THE REASONS LISTED BELOW:

I. PROCEDURAL BACKGROUND

SINCE JULIA MURRAY WAS APPOINTED AS COUNSEL,
DEFENDANT, LEONARD R. WOODS, HAS BEEN PREJUDICED AND
SUFFERED MANIFEST INJUSTICE BASED ON COUNSEL'S INEFFECTIVE
ASSISTANCE AND CONSTANT CONFLICT OF INTEREST ISSUES THAT HAVE
MADE FAIR, JUST, AND CONSTITUTIONAL DUE PROCESS UNOBTAINABLE.
ALSO BASED ON COUNSEL'S FAILURE OR REFUSAL TO:

① THOROUGHLY TAKE INVESTIGATIVE MEASURES IN THIS CASE; AND
SUBSEQUENTLY NOT USING ALL AVAILABLE RESOURCES TO ASSIST IN
OBTAINING OR ATTEMPT AT FINDING FACTUAL BASIS AS TO
DEFENDANTS "FELONIES" CLAIM.

② FILE NEEDED AND REQUESTED MOTIONS ON BEHALF OF DEFENDANT

③ PROVIDE THE RIGHT TO EFFECTIVE REPRESENTATION OF CONFLICT-FREE
COUNSEL DUE TO AN ACTUAL CONFLICT OF INTEREST THAT EXISTS WITH
DEFENSE COUNSEL.

④ PROVIDE THE RIGHT TO EFFECTIVE REPRESENTATION OF CONFLICT-FREE
COUNSEL DUE TO THE CONFLICT OF INTEREST THAT DEFENSE COUNSEL FAILED
TO RECOGNIZE WITH THE INVESTIGATOR APPOINTED BY THE COURT / COUNSEL
ON BEHALF OF DEFENDANT

⑤ DEFENDANT WAS DENIED THE RIGHT TO THE EFFECTIVE ASSISTANCE OF CONFLICT-FREE COUNSEL BECAUSE OF HIS REPRESENTATION BY THE PUBLIC DEFENDER'S OFFICE

⑥ DEFENDANT WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION WHEN:

A) COUNSEL FAILED TO CHALLENGE THE SUFFICIENCY OF THE INFORMATION CHARGING DEFENDANT WITH MURDER BY MANNER AND MEANS UNKNOWN TO STATE

B) COUNSEL ILL-ADVISED DEFENDANT TO WAIVE PRELIMINARY HEARING, ON THE DAY OF PRELIMINARY HEARING, WITHOUT DISCUSSING IN DETAIL THE DETRIMENTS OR BENEFITS (IF ANY) IN DOING SO

C) COUNSEL FAILED TO ADEQUATELY PREPARE AND PRESENT ALL EVIDENCE AT SUPPRESSION HEARING

D) COUNSEL FAILED TO OBJECT TO THE LEGALITY OF THE WARRANT SEARCH

E) COUNSEL FAILED TO INVESTIGATE A MOTIVE FOR FALSE ACCUSATIONS

F) COUNSEL WITHHELD CONFLICT OF INTEREST

G) COUNSEL FAILED TO THOROUGHLY INVESTIGATE DEFENDANT'S ALIBI'S

H) COUNSEL FAILED TO INVESTIGATE AND/OR SUBPOENA VICTIM'S EXTENSIVE CRIMINAL RECORD

I) COUNSEL USED A RACIALLY SLANDEROUS STATEMENT TOWARD DEFENDANT IN FRONT OF JUDGE

II. ARGUMENT

1 DEFENDANT, LEONARD R. WOODS, ASSERTS HE IS BEING DENIED
2 HIS RIGHT TO EFFECTIVE AND CONFLICT-FREE REPRESENTATION DUE
3 WHOLLY TO INADEQUATE ACTIONS OF HIS COURT APPOINTED COUNSEL.
4 FURTHER, COUNSEL'S INNATE ACTION COMPORT TO NOTHING MORE THAN A
5 VIOLATION OF DEFENDANT'S DUE PROCESS RIGHTS.
6

7 ① ANY AND ALL ATTORNEY / CLIENT RELATIONSHIP, TRUST, COMMUNICATION
8 HAS DETERIORATED BEYOND REPAIR DUE TO CONSTANT CONFLICTS, ARGUMENTS,
9 AND DISAGREEMENTS WHICH OCCUR DURING ATTORNEY CONTACT VISITS.

10 ② MY ALIBIS AND EVIDENCE TOWARD MY INNOCENCE HAS NOT BEEN
11 AND IS NOT BEING THOROUGHLY INVESTIGATED EVEN THOUGH I HAVE
12 PROVIDED DATES, TIMES, PEOPLE, AND PLACES SUFFICIENT ENOUGH TO DO SO.

13 ③ COUNSEL HAS NOT AND SAYS SHE WILL NOT SUBPOENA CELL PHONES,
14 DOCUMENTS, AND CRIMINAL RECORDS THAT WILL HELP TO SHOW EXCULPATORY

15 EVIDENCE ON MY BEHALF ④ COUNSEL REFUSES TO PROVIDE ME ACCESS TO
16 THE WARRANT MADE AGAINST ME FOR GUNS IN A HOUSE I DID NOT LIVE IN
17 AND THE ILLEGAL SEARCH AND SEIZURE OF MY CELL PHONES IN WHICH PICTURES

18 FOUND ARE BEING USED AGAINST ME ⑤ COUNSEL REFUSES TO PROVIDE ME
19 ACCESS TO AND/OR SUBPOENA THE BODY CAM AND DASH CAM VIDEO FROM

20 8-5-15 BY ARRESTING OFFICERS AND THE VIDEO TAPED INTERVIEW BY
21 DETECTIVES ON 8-6-15 WHICH DIFFERS FROM WRITTEN REPORT ⑥ WAS

22 TOLD BY COUNSEL DAYS PRIOR TO THAT WE WERE READY TO GO FORWARD
23 WITH PRELIMINARY HEARING, UPON ARRIVAL OF HEARING I WAS ADVISED
24 TO WAIVE HEARING WITHOUT BEING THOROUGHLY INFORMED OF THE DETRIMENTS
25 OR BENEFITS OF DOING SO.

ARGUMENT(CONT.)

1 ⑦ WHEN I SAID TO THE INVESTIGATOR IT SEEMED TO ME THAT HE
2 WASN'T INVESTIGATING MY CASE THOROUGHLY, HE ROSE OUT OF HIS CHAIR
3 AS THOUGH HE WAS GOING TO STRIKE ME AND SAID I WAS INSINUATING
4 THAT HE WAS A "LAZY ASS" ⑧ AFTER TRYING TO REMOVE MY
5 PUBLIC DEFENDER THROUGH THE NEVADA BAR ASSOCIATION (11-20-15)
6 SHE RETALIATED SAYING SHE DIDN'T APPRECIATE MY WRITING TO
7 THE BAR AND WENT INTO COURT AND TOLD JUDGE LEAVITT THAT
8 SHE "THINKS THAT I DON'T WANT A WHITE WOMAN DEFENDING
9 ME". WHICH WAS UNTRUE, UNFAIR, UNPROFESSIONAL, AND RACIST.
10 PLUS I FELT THOSE STATEMENTS PREJUDICED THE JUDGE AGAINST
11 ME. THE JUDGE SAYING ON THE SAME DAY (12-17-15) "I'M
12 TIRED OF YOU PEOPLE COMING IN HERE THINKING YOU CAN PICK ANY
13 ATTORNEY YOU WANT" AND DENIED MY MOTION TO DISMISS WITHOUT
14 GIVING ME A PLAUSIBLE, ETHICAL, OR LEGAL REASON. SAYING MY
15 ONLY ALTERNATIVE WOULD BE TO REPRESENT MYSELF. I THOUGHT ALSO
16 UNFAIR BECAUSE AN ALTERNATE COUNSEL SHOULD BE AN OPTION FOR
17 ALL WHO QUALIFY IN THIS SITUATION. ⑨ CLEARLY IT IS NOT IN MY
18 BEST INTEREST TO GO FORWARD WITH JULIA MURRAY AS MY COUNSEL.
19 IT IS ALSO MY SIXTH AMENDMENT RIGHT THAT AN ATTORNEY SHOULD
20 NOT BE FORCED UPON ME WITH MY ONLY ALTERNATIVE BEING TO
21 REPRESENT MYSELF. I HAVE A RIGHT TO EFFECTIVE ASSISTANCE OF
22 COUNSEL AND CONFLICT-FREE COUNSEL SO THAT I CAN REPRESENT
23 AND DEFEND MYSELF THE BEST WAY THE LAW ALLOWS. THAT'S ALL
24 I ASK OF THIS COURT. PLEASE CORRECT THIS MANIFEST INJUSTICE.

ARGUMENT (CONT.)

1 DEFENDANT HAS AN UNQUALIFIED RIGHT TO LEGAL
2 ASSISTANCE THAT IS EXPRESSLY LOYAL TO SAID DEFENDANT. "THE
3 RIGHT TO COUNSEL IS THE RIGHT [ALSO] TO EFFECTIVE ASSISTANCE OF
4 COUNSEL." CUYLER VS. SULLIVAN 100 S. CT. 1708 (1980); AND FRAZIER VS. U.S.
5 18 F. 3d 778 (9TH CIR. 1994) ~~THAT~~ THE ADVERSARIAL PROCESS PROTECTED
6 BY THE SIXTH AMENDMENT ~~REQUIRES THAT~~ THE ACCUSED HAVE
7 "COUNSEL ACTING IN THE ROLE OF AN ADVOCATE" ANDERS VS. CALIFORNIA
8 87 CT. 1936

9 A PARTY WHOSE COUNSEL IS UNABLE TO PROVIDE
10 EFFECTIVE OR ADEQUATE ASSISTANCE IS NO BETTER THAN ONE WHO HAS
11 NO COUNSEL AT ALL; AND ANY APPEAL(S) WOULD BE FUTILE IN GESTURE.
12 EVITT VS. LUCEY 105 S. CT. 830; DOUGLAS VS. CALIFORNIA 83 S. CT 814 (1963)

13 THEREFORE, DEFENDANT CONTENDS THAT ALTHOUGH COUNSEL HAS BEEN
14 APPOINTED IN THIS CASE, THE ACTIONS OF COUNSEL, OR LACK THEREOF, HAVE
15 CREATED UNFAIR PREJUDICE AND OBSTACLES WHICH DO NOT COMPORT THE
16 FAIR PROCEDURES OWED TO THE DEFENDANT.

17 NOTWITHSTANDING THE STRONG POLICY FAVORING AUTONOMY, "ETHICAL,
18 PROFESSIONAL, AND CONSTITUTIONAL PRINCIPLES" ESTABLISH COUNSEL'S
19 STANDARDS OWED TO HIS/HER CLIENT. SEE: AMERICAN BAR ASSOCIATION
20 (ABA) AND PROFESSIONAL RESPONSIBILITY CODE (CPR)

21 SO CLEARLY A CONFLICT OF INTEREST NOW EXIST BETWEEN
22 COUNSEL AND CLIENT (DEFENDANT), AS ALL FAITH AND TRUST HAS BEEN
23 DIMINISHED AS A RESULT OF COUNSEL'S ACTIONS OR LACK THEREOF.
24 AND A "SHOWING" OF CONFLICT OF INTEREST REQUIRES NO SHOWING
25 OF PREJUDICE. CUYLER VS. SULLIVAN, 100 S. CT. AT 1717

THE "EFFECTIVENESS (IN ASSISTANCE) OF COUNSEL" IS AN INDIVIDUAL'S MOST FUNDAMENTAL RIGHT, FOR WITHOUT IT, EVERY OTHER RIGHT DEFENDANT HAS TO ASSERT BECOMES AFFECTED.

DATED THIS 11TH day of Nov., 2016.

I, LEONARD R. WOODS, do
solemnly swear, under the penalty of perjury, that
the above MOTION TO DISMISS COUNSEL is accurate,
correct, and true to the best of my knowledge.

NRS 171.102 and NRS 208.165.

Respectfully submitted,
Leonard R. Woods
LEONARD R. WOODS

Defendant

LEONARD WOODS 190705 7A-29
330 CASINO CENTER BLDG
LAS VEGAS, NV
89101

CLERK OF THE DISTRICT COURTS
200 LEWIS AVE.
3RD FLOOR

89155-2212

LEGAL



UNITED STATES POSTAGE
02 1P
0000830502
\$001.360
MAILED FROM: ZIP CODE 89101

251

SENT FROM ECEDE

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

LEONARD R. WOODS

Defendant

Case No.: C-15-309820-1

Dept. No.: XII

Docket No.:

Electronically Filed

11/21/2016 03:54:25 PM

CHIEF JUDGE

CLERK OF THE COURT

PETITION FOR
WRIT OF MANDAMUS

COMES NOW, PETITIONER, TO COMPELL SAID COURT TO REMOVE COUNSEL OF RECORD, JULIA MURRAY, (DISTRICT COURT 12 JUDGE M. LEAVITT), PURSUANT TO FERETTA VS. CALIFORNIA, "MOREOVER" PETITIONER IS NOW PREJUDICED THAT COUNSEL WILL NOT REPRESENT SAID DEFENDANT EFFECTIVELY NOW THAT ALL RELATIONSHIP HAS DIMINISHED AND CONFLICT OF INTEREST HAS ARISEN.

DATED THIS DAY, NOVEMBER 11, 2016

LEONARD R. WOODS

DEFENDANT/PETITIONER

RECEIVED
NOV 21 2016
CLERK OF THE COURT
#53
RECEIVED
NOV 16 2016
CLERK OF THE COURT

RELIEF SOUGHT BY PETITIONER

PETITIONER IS SEEKING TO RELIEVE HIMSELF OF THE UNFAIR, BIASED, PREJUDICED, UNCONSTITUTIONAL, AND INEFFECTIVE COUNSEL THAT WAS COURT-APPOINTED TO HIM. PETITIONER IS ALSO SEEKING CONFLICT-FREE COUNSEL THAT THE LAW SAYS HE HAS A RIGHT TO SO THAT FAIR AND JUST DUE DILIGENCE IS OBTAINABLE.

ISSUES PRESENTED

① PETITIONER WAS DENIED HIS RIGHT TO CONFLICT-FREE COUNSEL WHEN THE COURT CONTINUED TO REAPPOINT THE PUBLIC DEFENDER TO REPRESENT PETITIONER AFTER THE CONFLICT OF INTEREST BETWEEN PETITIONER AND THE PUBLIC DEFENDER'S OFFICE BECAME APPARENT.

② PETITIONER WAS, AND IS BEING DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF HIS SIXTH AND FOURTEENTH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION

POINTS AND AUTHORITIES

IT IS RESPECTFULLY REQUESTED OF THIS COURT TO GRANT THIS PETITION FOR WRIT OF MANDAMUS TO REMOVE COUNSEL OF RECORD, JULIA MURRAY, FOR REASONS LISTED BELOW:

I. PROCEDURAL BACKGROUND

1 SINCE JULIA MURRAY WAS APPOINTED AS COUNSEL
2 OF RECORD, PETITIONER/DEFENDANT, LEONARD WOODS, HAS
3 BEEN PREJUDICED AND SUFFERED MANIFEST INJUSTICE BASED
4 ON COUNSEL'S INEFFECTIVE ASSISTANCE AND CONSTANT
5 CONFLICT OF INTEREST ISSUES THAT HAVE MADE FAIR, JUST, AND
6 CONSTITUTIONAL DUE PROCESS UNOBTAINABLE

7
8 ① PETITIONER WAS DENIED HIS RIGHT TO THE EFFECTIVE REPRE-
9 SENTATION OF CONFLICT-FREE COUNSEL DUE TO AN ACTUAL
10 CONFLICT OF INTEREST THAT EXISTED WITH DEFENSE COUNSEL

11
12 ② PETITIONER WAS DENIED HIS RIGHT TO THE EFFECTIVE
13 REPRESENTATION OF CONFLICT-FREE COUNSEL DUE TO THE
14 CONFLICT OF INTEREST THAT DEFENSE COUNSEL FAILED TO
15 RECOGNIZE WITH THE INVESTIGATOR APPOINTED BY THE COURT/
16 COUNSEL ON BEHALF OF PETITIONER

17
18 ③ PETITIONER WAS DENIED THE RIGHT TO THE EFFECTIVE
19 ASSISTANCE OF CONFLICT-FREE COUNSEL BECAUSE OF HIS
20 REPRESENTATION BY THE PUBLIC DEFENDER'S OFFICE

21
22 ④ PETITIONER WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL IN
23 VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENTS TO THE
24 U.S. CONSTITUTION WHEN:

25 A) COUNSEL FAILED TO CHALLENGE THE SUFFICIENCY OF THE
26 INFORMATION CHARGING PETITIONER WITH MURDER BY MANNER
27 AND MEANS UNKNOWN TO STATE

1 B) COUNSEL ILL-ADVISED PETITIONER TO WAIVE PRELIMINARY
2 HEARING, ON THE DAY OF PRELIMINARY HEARING, WITHOUT
3 DISCUSSING IN DETAIL THE DETRIMENTS OR BENEFITS (IF ANY)
4 IN DOING SO

5
6 C) COUNSEL FAILED TO ADEQUATELY PREPARE AND PRESENT ALL
7 EVIDENCE AT SUPPRESSION HEARING

8 D) COUNSEL FAILED TO OBJECT TO THE LEGALITY OF THE WARRANT
9 SEARCH

10 E) COUNSEL FAILED TO INVESTIGATE A MOTIVE FOR FALSE ACCUSATIONS

11 F) COUNSEL WITHHELD A CONFLICT OF INTEREST

12 G) COUNSEL FAILED TO THOROUGHLY INVESTIGATE PETITIONER'S AUBI'S

13 H) COUNSEL FAILED TO INVESTIGATE AND/OR SUBPOENA VICTIM'S
14 EXTENSIVE CRIMINAL RECORD

15 I) COUNSEL USED A RACIALLY SLANDEROUS STATEMENT TOWARD
16 PETITIONER IN COURT IN FRONT OF JUDGE

17
18 II. ARGUMENT

19
20 PETITIONER/DEFENDANT, LEONARD R. WOODS, ASSERTS HE IS BEING
21 DENIED HIS RIGHT TO EFFECTIVE REPRESENTATION DUE WHOLLY TO
22 INADEQUATE ACTIONS OF HIS COURT-APPOINTED COUNSEL. FURTHER,
23 COUNSEL'S INNATE ACTION COMPORT TO NOTHING MORE THAN A
24 VIOLATION OF DEFENDANT'S DUE PROCESS RIGHTS

ARGUMENT (CONT.)

1 ① ANY AND ALL ATTORNEY/CLIENT RELATIONSHIP, TRUST, COMMUNICA-
2 TION HAS DETERIORATED BEYOND REPAIR DUE TO CONSTANT CONFLICTS,
3 ARGUMENTS, AND DISAGREEMENTS WHICH OCCUR DURING ATTORNEY CONTACT
4 VISITS ② MY ALIBIS AND EVIDENCE TOWARD MY INNOCENCE HAS NOT
5 BEEN AND IS NOT BEING THOROUGHLY INVESTIGATED EVEN THOUGH I
6 HAVE PROVIDED DATES, TIMES, PEOPLE AND PLACES SUFFICIENT ENOUGH
7 TO DO SO. ③ COUNSEL HAS NOT AND SAYS WILL NOT SUBPOENA PHONES
8 (CELL), DOCUMENTS, CRIMINAL RECORDS OF VICTIM THAT WILL SHOW
9 EXCULPATORY EVIDENCE ON MY BEHALF ④ COUNSEL REFUSES TO PROVIDE ME
10 ACCESS TO THE WARRANT MADE AGAINST ME TO GUNS IN A HOUSE. I DID NOT
11 LIVE IN AND THE ILLEGAL SEIZURE OF MY CELL PHONE ⑤ COUNSEL REFUSES
12 TO PROVIDE ME ACCESS TO AND/OR SUBPOENA THE BODY CAM AND DASH CAM
13 VIDEO FROM 8-5-15 AND THE VIDEOTAPED INTERVIEW BY DETECTIVES ON
14 8-6-15 WHICH DIFFER FROM THE REPORT WRITTEN ⑥ WAS TOLD BY COUNSEL
15 DAYS PRIOR THAT WE WERE READY TO GO FORWARD WITH PRELIMINARY
16 HEARING, UPON ARRIVAL OF HEARING I WAS ADVISED TO WAIVE HEARING
17 WITHOUT BEING THOROUGHLY INFORMED OF THE DETRIMENTS OR BENEFITS
18 OF DOING SO. ⑦ WHEN I SAID TO THE INVESTIGATOR IT DIDN'T SEEM TO ME
19 THAT HE WAS INVESTIGATING MY CASE THOROUGHLY, HE ROSE OUT OF HIS
20 CHAIR AS THOUGH HE WAS GOING TO STRIKE ME AND SAID WAS I
21 INSINUATING THAT HE WAS A "LAZY ASS" ⑧ AFTER TRYING TO REMOVE
22 MY PUBLIC DEFENDER THROUGH THE NEVADA BAR ASSOCIATION (11-20-15)
23 SHE RETALIATED (12-17-15) AFTER SAYING SHE DIDN'T APPRECIATE MY
24 WRITING TO THE BAR, SHE TOLD JUDGE LEAVITT IN COURT THAT
25 SHE "THINKS THAT I DON'T WANT A WHITE WOMAN DEFENDING ME"

ARGUMENT (CONT.)

1 WHICH WERE UNTRUE, UNFAIR, UNPROFESSIONAL, AND RACIAL. PLUS
2 I FELT THOSE STATEMENTS PREJUDICED THE JUDGE. THE JUDGE
3 SAYING ON THE SAME DAY "I'M TIRED OF YOU PEOPLE COMING HERE
4 THINKING YOU CAN PICK ANY ATTORNEY YOU WANT" AND DENIED MY
5 MOTION WITHOUT GIVING ME A PLAUSIBLE, ETHICAL, OR LEGAL REASON
6 FOR DENYING MY MOTION. ⑦ CLEARLY IT IS NOT IN MY BEST
7 INTERESTS TO GO FORWARD WITH JULIA MURRAY AS MY COUNSEL, IT
8 IS ALSO MY SIXTH AMENDMENT RIGHT THAT AN ATTORNEY SHOULD NOT BE
9 FORCED UPON ME WITH MY ONLY ALTERNATIVE BEING TO REPRESENT
10 MYSELF. I HAVE THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL AND
11 CONFLICT-FREE COUNSEL SO THAT I CAN REPRESENT AND DEFEND MYSELF
12 THE BEST WAY THE LAW ALLOWS, THATS ALL I ASK OF THIS COURT.

13
14 DEFENDANT HAS AN UNQUALIFIED RIGHT TO LEGAL
15 ASSISTANCE THAT IS EXPRESSLY LOYAL TO SAID DEFENDANT. "THE
16 RIGHT TO COUNSEL IS THE RIGHT [ALSO] TO EFFECTIVE ASSISTANCE OF
17 COUNSEL". CUYLER VS. SULLIVAN 100 S. CT. 1708 (1980); AND FRAZIER VS. U.S.
18 18 F. 3d 778 (9TH CIR. 1994) THUS, THE ADVERSARIAL PROCESS PROTECTED
19 BY THE SIXTH AMENDMENT REQUIRES THAT THE ACCUSED HAVE
20 "COUNSEL ACTING IN THE ROLE OF AN ADVOCATE" ANDERS VS CALIFORNIA
21 87 CT. 1936

22 A PARTY WHOSE COUNSEL IS UNABLE TO PROVIDE EFFECTIVE OR
23 ADEQUATE ASSISTANCE IS NO BETTER THAN ONE WHO HAS NO COUNSEL AT
24 ALL; AND ANY APPEAL(S) WOULD BE FUTILE IN GESTURE. EVITT VS. LUCY
25 105 S. CT. 830 (1985); DOUGLAS VS. CALIFORNIA 83 S. CT. 814 (1963)

ARGUMENT (CONT.)

① THEREFORE, DEFENDANT CONTENTS THAT ALTHOUGH
② COUNSEL HAS BEEN APPOINTED IN THIS CASE, THE ACTIONS OF
③ COUNSEL, OR LACK THEREOF, HAVE CREATED UNFAIR PREJUDICE
④ AND OBSTACLES WHICH DO NOT COMPORT THE FAIR PROCEDURES
⑤ OWED TO THE DEFENDANT.

6 NOTWITHSTANDING THE STRONG POLICY FAVORING
7 AUTONOMY, "ETHICAL, PROFESSIONAL, AND CONSTITUTIONAL
8 PRINCIPLES" ESTABLISH COUNSEL'S STANDARDS OWED TO HIS/HER
9 CLIENT. SEE: AMERICAN BAR ASSOCIATION (ABA), AND
10 PROFESSIONAL RESPONSIBILITY CODE (CPR)

11 SO CLEARLY A CONFLICT OF INTEREST NOW
12 EXIST BETWEEN COUNSEL AND CLIENT (DEFENDANT/PETITIONER),
13 AS ALL FAITH AND TRUST HAS BEEN DIMINISHED AS A RESULT
14 OF COUNSEL'S ACTIONS OR LACK THEREOF, AND A "SHOWING" OF
15 CONFLICT OF INTEREST REQUIRES NO SHOWING OF PREJUDICE
16 CUYLER VS. SULLIVAN, 100S. CT. AT 1717

1 THEREFORE, FUNDAMENTAL FAIRNESS REQUIRES THE ABOLITION
2 OF PREJUDICE WHICH DEFENDANT IS PRESENTLY SUFFERING. THIS
3 IS ~~AN~~ AN ACTUALITY THAT THE LAW MUST ADDRESS.
4 ANYTHING SHORT OF ABDICATION WOULD FURTHER A MANIFEST
5 OF INJUSTICE.

6 THE "EFFECTIVENESS" (IN ASSISTANCE) OF COUNSEL"
7 IS AN INDIVIDUAL'S MOST FUNDAMENTAL RIGHT, FOR WITHOUT IT,
8 EVERY OTHER RIGHT DEFENDANT HAS TO ASSERT BECOMES AFFECTED.

9 DATED NOV. 11TH, 2016
10 RESPECTFULLY SUBMITTED
11 LEONARD R. WOODS
12
13
14
15

16 DATED THIS 11TH day of NOV., 20 16.

17 I, LEONARD R. WOODS, do
18 solemnly swear, under the penalty of perjury, that
19 the above WRIT OF MANDAMUS is accurate,
20 correct, and true to the best of my knowledge.

21 NRS 171.102 and NRS 208.165.

22 Respectfully submitted,
23 Leonard R. Woods
24 LEONARD R. WOODS

25 Defendant / PETITIONER

Steven D. Grierson

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

LEONARD R. WOODS

Defendant

) Case No.: C-15-309820-1

) Dept. No.: 3

) Docket No.: _____

) JUDGE HERNDEN

) November 16, 2017 at 9:00 am

MOTION TO DISMISS COUNSEL
AND

APPOINTMENT OF ALTERNATE COUNSEL

COMES NOW, THE DEFENDANT, LEONARD R. WOODS, AND MOVES THIS
HONORABLE COURT TO DISMISS COUNSEL, JULIA MURRAY, AND APPOINT ALTERNATE
COUNSEL TO REPRESENT THIS DEFENDANT.

DEFENDANT IS NOW PREJUDICED THAT COUNSEL WILL NOT REPRESENT
SAID DEFENDANT EFFECTIVELY DUE TO INCOMPETENCE, CONFLICT-OF-INTEREST,
RACIST SLANDER, AND A DIMINISHED RELATIONSHIP THAT HAS DETERIORATED
BEYOND REPAIR THROUGHOUT COUNSEL'S APPOINTMENT

THIS MOTION IS BASED UPON ALL PAPERS, PLEADINGS, AND DOCUMENTS
ON FILE. FACTUAL STATEMENTS SET FORTH IN THE POINTS AND AUTHORITIES
CONTAINED THEREIN.

DATED ON THIS DAY, OCTOBER 15, 2017

LEONARD R. WOODS

(DEFENDANT)

CLERK OF THE COURT

MC
DA
HOL
PP

CLERK OF THE COURT

RECEIVED
OCT 25 2017

RELIEF SOUGHT BY DEFENDANT

1 DEFENDANT IS SEEKING TO RELIEVE HIMSELF OF THE UNFAIR,
2 BIASED, PREJUDICED, UNCONSTITUTIONAL, AND INEFFECTIVE COUNSEL THAT
3 WAS COURT-APPOINTED TO HIM. DEFENDANT IS ALSO SEEKING CONFLICT-
4 FREE COUNSEL THAT THE LAW SAYS HE HAS A RIGHT TO SO THAT A
5 FAIR AND JUST DUE DILIGENCE AND DEFENSE IS OBTAINABLE.

ISSUES PRESENTED

6
7
8
9 ① DEFENDANT WAS DENIED HIS RIGHT TO CONFLICT-FREE AND
10 EFFECTIVE COUNSEL WHEN THE COURT CONTINUED TO REAPPOINT THE
11 SAME PUBLIC DEFENDER TO REPRESENT DEFENDANT AFTER THE CONFLICT-
12 OF-INTEREST BETWEEN DEFENDANT AND THE PUBLIC DEFENDER CLEARLY
13 BECAME APPARENT.

14
15 ② DEFENDANT WAS, AND IS BEING DENIED THE EFFECTIVE ASSISTANCE OF
16 COUNSEL IN VIOLATION OF HIS SIXTH AND FOURTEENTH AMENDMENT RIGHTS
17 TO THE U.S. CONSTITUTION.

POINTS AND AUTHORITIES

18
19
20
21 IT IS RESPECTFULLY REQUESTED OF THIS COURT TO GRANT THIS
22 MOTION TO DISMISS COUNSEL FOR THE REASONS LISTED BELOW:

I. PROCEDURAL BACKGROUND

SINCE JULIA MURRAY WAS APPOINTED AS COUNSEL, DEFENDANT, LEONARD WOODS, HAS BEEN PREJUDICED AND SUFFERED MANIFEST INJUSTICE BASED ON COUNSEL'S INEFFECTIVE ASSISTANCE AND CONFLICT-OF-INTEREST ISSUES THAT HAVE MADE FAIR, JUST CONSTITUTIONAL DUE PROCESS UNOBTAINABLE. ALSO BASED ON COUNSEL'S FAILURE OR REFUSAL TO:

① THOROUGHLY TAKE INVESTIGATIVE MEASURES IN THIS CASE; AND SUBSEQUENTLY NOT USING ALL AVAILABLE RESOURCES TO ASSIST IN OBTAINING OR ATTEMPT AT FINDING FACTUAL BASIS AS TO DEFENDANT'S "FELONIES" CLAIM.

② FILE NEEDED AND REQUESTED MOTIONS ON BEHALF OF DEFENDANT (1 MOTION FILED IN OVER 2 YEARS, SEVERAL NEEDED AND REQUESTED)

③ PROVIDE THE RIGHT TO EFFECTIVE REPRESENTATION OF CONFLICT-FREE COUNSEL DUE TO AN ACTUAL CONFLICT-OF-INTEREST THAT EXISTS WITH DEFENSE COUNSEL

④ DEFENDANT WAS DENIED THE RIGHT TO THE EFFECTIVE ASSISTANCE OF CONFLICT-FREE COUNSEL BECAUSE OF HIS REPRESENTATION BY THE PUBLIC DEFENDERS OFFICE

⑤ DEFENDANT WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION WHEN:
A) COUNSEL FAILED TO CHALLENGE THE SUFFICIENCY OF THE INFORMATION CHARGING DEFENDANT WITH MURDER BY MANNER AND MEANS UNKNOWN TO STATE

1 B) COUNSEL ILL-ADVISED DEFENDANT TO WAIVE PRELIMINARY HEARING,
2 ON THE DAY OF PRELIMINARY HEARING, WITHOUT DISCUSSING IN DETAIL
3 THE DETRIMENTS OR BENEFITS (IF ANY) IN DOING SO.

4 C) COUNSEL FAILED TO ADEQUATELY PREPARE AND PRESENT ALL EVIDENCE
5 AT SUPPRESSION HEARING

6 D) COUNSEL REFUSES TO FILE MOTIONS I REQUEST THAT ARE NEEDED TO
7 HELP TREMENDOUSLY IN MY CASE (1 MOTION FILED IN OVER 2 YEARS)

8 E) COUNSEL FAILED TO OBJECT TO THE LEGALITY OF THE WARRANT SEARCH

9 F) COUNSEL FAILED TO INVESTIGATE THE LEGALITY OF THE WARRANT

10 G) COUNSEL FAILED TO INVESTIGATE CLAIMS OF FIREARMS POSSESSION BY
11 PROHIBITED PERSON

12 H) COUNSEL FAILED TO INVESTIGATE A MOTIVE FOR FALSE ACCUSATIONS

13 I) COUNSEL FAILED TO INTERVIEW WITNESSES

14 J) COUNSEL FAILED TO THOROUGHLY INVESTIGATE DEFENDANT'S ALIBI'S

15 K) INVESTIGATOR NOT SEEN OR HEARD FROM SINCE MARCH 2016

16 L) COUNSEL WITHHELD CONFLICT OF INTEREST

17 M) COUNSEL USED A RACIALLY SLANDEROUS STATEMENT TOWARD
18 DEFENDANT IN FRONT OF JUDGE LEAVITT DELIBERATELY TRYING
19 TO PREJUDICE THE COURT AGAINST HIM

20 N) COUNSEL REFUSED TO SHOW UP IN JUDICIAL COURT (II) WHEN DEFENDANT
21 MADE HER AWARE HE WAS BEING TRIED IN TWO SEPERATE COURTS
22 ON THE EXACT SAME CHARGES (CLEAR CASE OF DOUBLE JEOPARDY)

23 O) COUNSEL IS STILL ALLOWING DEFENDANT TO BE CHARGED WITH A
24 CASE (PFC 10603) THAT WAS THROWN OUT IN ANOTHER COURTROOM
25

II. ARGUMENT

DEFENDANT, LEONARD WOODS, ASSERTS HE IS BEING DENIED HIS RIGHT TO EFFECTIVE AND CONFLICT-FREE REPRESENTATION DUE WHOLLY TO INADEQUATE ACTIONS OF HIS COURT-APPOINTED COUNSEL. FURTHER, COUNSEL'S INNATE ACTION COMPORT NOTHING MORE THAN A VIOLATION OF DEFENDANT'S DUE PROCESS RIGHTS.

① ANY AND ALL ATTORNEY/CLIENT RELATIONSHIP, TRUST, COMMUNICATION HAS DETERIORATED BEYOND REPAIR DUE TO CONSTANT CONFLICTS, ARGUMENTS, DISAGREEMENTS, AND THREATS WHICH OCCUR DURING ATTORNEY CONTACT VISITS.

② COUNSEL HAS VISITED DEFENDANT 5 TIMES IN THE LAST 2 YEARS

③ MY ALIBIS AND EVIDENCE TOWARD MY INNOCENCE HAS NOT BEEN AND IS NOT BEING THOROUGHLY INVESTIGATED EVEN THOUGH I HAVE PROVIDED DATES, TIMES, PEOPLE, AND PLACES SUFFICIENT ENOUGH TO DO SO

④ COUNSEL HAS NOT AND SAYS SHE WILL NOT SUBPOENA CELL PHONES DOCUMENTS, OR RECORDS THAT WILL HELP TO SHOW EXCULPATORY EVIDENCE FOR MY BEHALF

⑤ COUNSEL REFUSES TO INVESTIGATE WARRANTS MADE AGAINST ME FOR FIREARMS OUT OF A HOUSE I DID NOT LIVE IN NOR HAD POSSESSION OF OR THE ILLEGAL CONFISCATION AND SEARCH AND SEIZURE OF MY CELL PHONE IN WHICH ILLEGALLY GAINED EVIDENCE IS BEING USED AGAINST ME

⑥ COUNSEL REFUSES TO DEMAND OR SUBPOENA THE VIDEO TAPED INTERVIEW TAPED BY DETECTIVE EMBRY ON 8-6-15 WHICH DIFFERS FROM THE WRITTEN REPORT HE SUBMITTED AS EVIDENCE. (VIOLATION OF NRS 199.200)

ARGUMENT (CONT.)

⑦ AFTER COMPLAINING TO THE NEVADA STATE BAR (11-20-15)
MURRAY (COUNSEL) STATED SHE DIDN'T APPRECIATE ME WRITING
TO THE STATE BAR ABOUT HER AND RETALIATED AGAINST ME
ON MY NEXT COURT DATE BY TELLING JUDGE LEAVITT SHE
"DIDN'T THINK I WANTED A WHITE WOMAN DEFENDING ME"
RACE HAD NEVER BEEN A TOPIC OF DISCUSSION BEFORE THAT DAY
SO THAT UNFAIR, UNPROFESSIONAL, RACIST STATEMENT WAS OBVIOUSLY
MADE TO PREJUDICE THE COURT AGAINST ME. MY MOTIONS
WERE ~~RECEIVED~~ DENIED WITHOUT ANY PLAUSIBLE, ETHICAL, JUDICIAL
REASON AS TO WHY. ONLY SAYING THAT MY ONLY OPTION WAS
TO DEFEND MYSELF WHICH IS ALSO ABSURD SINCE I AND THE
MAJORITY OF THE CLARK COUNTY DEFENDANTS HAVING NEVER
BEEN TO OR GRADUATED FROM LAW SCHOOL HOW IS THAT EVEN
LOGICAL TO BE ASKED TO GO AGAINST SOMEONE WHO HAS.
BESIDES THAT I'VE SEEN SO MANY DEFENDANTS DISMISS
THEIR ATTORNEYS AND GET APPOINTED ALTERNATES FOR FAR
LESS MERIT THAN I HAVE PRESENTED WHY THEN AM I NOT
AFFORDED THE SAME RIGHTS AND PRIVILEGE.

⑧ CLEARLY IT IS NOT IN MY BEST INTEREST TO FORWARD WITH
JULIA MURRAY AS MY COUNSEL. IT IS ALSO MY SIXTH
AMENDMENT RIGHT THAT COUNSEL SHOULD NOT BE FORCED UPON
ME. I HAVE A RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL AND
CONFLICT-FREE COUNSEL SO THAT I CAN REPRESENT AND DEFEND
MYSELF THE BEST WAY POSSIBLE THAT THE LAW ALLOWS.

ARGUMENT (CONT.)

1 DEFENDANT HAS AN UNQUALIFIED RIGHT TO LEGAL ASSISTANCE
2 THAT IS EXPRESSLY LOYAL TO SAID DEFENDANT. "THE RIGHT TO COUNSEL
3 IS THE RIGHT [ALSO] TO EFFECTIVE ASSISTANCE OF COUNSEL" CUYLER VS
4 SULLIVAN 100 S. CT 1708 (1980); AND FRAZIER V. U.S. 18 F 3d 778 (9TH CIR 1994)
5 THUS THE ADVERSARIAL PROCESS PROTECTED BY THE SIXTH AMENDMENT
6 REQUIRES THAT THE ACCUSED HAVE "COUNSEL ACTING IN THE ROLE OF
7 AN ADVOCATE" ANDERS V. CALIFORNIA 87 CT 1936

8 A PARTY WHOSE COUNSEL IS UNABLE TO PROVIDE EFFECTIVE OR
9 ADEQUATE ASSISTANCE IS NO BETTER THAN ONE WHO HAS NO COUNSEL
10 AT ALL; AND ANY APPEAL(S) WOULD BE FUTILE IN GESTURE.
11 EVITT V. LUCEY 105 S. CT. 830; DOUGLAS V. CALIFORNIA 83 S. CT. 814 (1963)

12 THEREFORE, DEFENDANT CONTENTS THAT ALTHOUGH COUNSEL HAS
13 BEEN APPOINTED IN THIS CASE, THE ACTIONS OF COUNSEL, OR LACK THEREOF,
14 HAVE CREATED UNFAIR PREJUDICE AND OBSTACLES WHICH DO NOT COMPORT
15 THE FAIR PROCEDURES OWED TO THE DEFENDANT.

16 NOTWITHSTANDING THE STRONG POLICY FAVORING AUTONOMY,
17 "ETHICAL, PROFESSIONAL, AND CONSTITUTIONAL PRINCIPLES" ESTABLISH
18 COUNSEL'S STANDARDS OWED TO HIS/HER CLIENT. SEE: AMERICAN BAR
19 ASSOCIATION (ABA) AND PROFESSIONAL RESPONSIBILITY CODE (CPR)

20 SO CLEARLY A CONFLICT OF INTEREST NOW EXISTS BETWEEN
21 COUNSEL AND CLIENT (DEFENDANT), AS ALL FAITH AND TRUST HAS BEEN
22 DIMINISHED AS A RESULT OF COUNSEL'S ACTION OR LACK THEREOF.

23 AND A "SHOWING" OF CONFLICT OF INTEREST REQUIRES NO SHOWING
24 OF PREJUDICE. CUYLER V. SULLIVAN 100 S. CT. AT 1717

1 THEREFORE, FUNDAMENTAL FAIRNESS REQUIRES THE ABOLITION OF
2 PREJUDICE WHICH DEFENDANT IS PRESENTLY SUFFERING. THIS IS AN
3 ACTUALITY THAT THE LAW MUST ADDRESS. ANYTHING SHORT OF
4 ABDICATION WOULD FURTHER A MANIFEST OF INJUSTICE.

5 THE "EFFECTIVENESS (IN ASSISTANCE) OF COUNSEL" IS AN
6 INDIVIDUAL'S MOST FUNDAMENTAL RIGHT, FOR WITHOUT IT, EVERY OTHER
7 RIGHT DEFENDANT HAS TO ASSERT BECOMES AFFECTED.

8
9 DATED OCT. 15, 2017
10 RESPECTFULLY SUBMITTED
11 LEONARD R. WOODS
12
13
14
15

16 DATED THIS 15TH day of OCT., 2017.

17 I, LEONARD R. WOODS, do
18 solemnly swear, under the penalty of perjury, that
19 the above MOTION TO DISMISS COUNSEL is accurate,
20 correct, and true to the best of my knowledge.

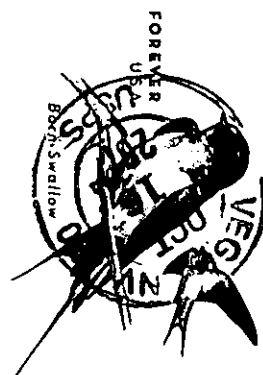
21 NRS 171.102 and NRS 208.165.

22 Respectfully submitted,

23 Leonard R. Woods
24 LEONARD R. WOODS

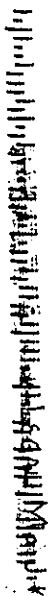
25 Defendant

LEONARD WOODS 1901705 3N-56
330 CASINO CENTER BLVD
LAS VEGAS, NV
89101



CLERK OF THE DISTRICT COURTS
200 LEWIS AVE
3RD FLOOR
LAS VEGAS, NV
89155-2212

8910138300 0075

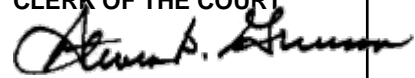


© USPS 2016

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



SENT FROM CCNC



NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE FLECK
Chief Deputy District Attorney
Nevada Bar #010040
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

LEONARD RAY WOODS,
#1901705
Defendant.

CASE NO: C-15-309820-1
DEPT NO: III

STATE'S AMENDED NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

TO: LEONARD RAY WOODS, Defendant; and

TO: JULIA MURRAY & JORDAN SAVAGE, Deputy Public Defenders,
Counsel of Record:

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

*INDICATES ADDITIONAL WITNESSES

<u>NAME</u>	<u>ADDRESS</u>
ACUNA, RON (or designee)	Investigator, CCDA's Office
ANDERSON, CARREE	2720 E. Evans Rd., #4, San Diego, CA 92106
*ANDERSON, JOHN	2720 E. Evans Rd., #4, San Diego, CA 92106
*ARTEAGA, J.	LVMPD P#14998
BAGAPORO, GEORDINNO	LVMPD P#5970

1	*BASNER, S.	LVMPD P#8784
2	*BELL, R.	LVMPD P#5786
3	BERRANG, RACHEL	LVMPD P#8948
4	BLASKO, JOEL	LVMPD P#15065
5	*BOOZE, R.	LVMPD P# 6394
6	*BUCKLEY, J.	LVMPD P# 15031
7	CALHOUN, GARLAND	11065 Calmint Hills, LV, NV 89052
8	CAMPBELL, MATT	LVMPD P#6959
9	*CATRICALA, W.	LVMPD P# 12939
10	CELAYA, KEITH	LVMPD P#13524
11	*CINA, B.	LVMPD P#14814
12	*COLLINGWOOD, E.	LVMPD P#9494
13	CORNEAL, DR. JENNIFER	ME
14	*CORZINE, DORION	4316 Pacific Crest, N. LV, NV 89115
15	*CRUZ, J.	LVMPD P#14742
16	CUSTODIAN OF RECORDS	Clark County Detention Center
17	CUSTODIAN OF RECORDS	El Cortez Hotel & Casino
18	CUSTODIAN OF RECORDS	LVMPD Communications
19	CUSTODIAN OF RECORDS	LVMPD Records
20	CUSTODIAN OF RECORDS	Walgreens
21	DARR, JASON	LVMPD P#3741
22	DEL PRADO, DORA	3420 Hickey Ave., NLV, NV 89030
23	DELPINO, CHRISTINA	2920 Meadow Flower Ave., NLV, NV 89031
24	EMBREY, BUDDY	LVMPD P#8644
25	FLETCHER, SHAWN	LVMPD P#5221
26	FULWILER, CODY	LVMPD P#9167
27	*GALLUP, B.	LVMPD P#8729
28	*GARCIA, C.	LVMPD P#8913

1	*GENNARO, SGT. M.	LVMPD P#5611
2	GROVER, BRADLEY	LVMPD P#4934
3	HAGARTY, DEVYN	c/o Parent/Guardian and/or CCDA's Office
4	HARNEY, JOHN	LVMPD P#6231
5	*HAWKINS, D.	LVMPD P#9151
6	HAYNES, VINCENT	LVMPD P#13004
7	*HENLEY, DORIE	3492 Pinion Peak Dr., LV, NV 89115
8	*HENLEY, PHILIP	3475 Cactus Springs, LV, NV 89115
9	*HERNANDEZ, JUANA	CPD Investigator
10	*HODSON, B.	LVMPD P#9034
11	*HOWELL, C.	LVMPD P#9634
12	HUNTER, PAUL	LVMPD P#10041
13	JOHNS, MATT (or designee)	Investigator, CCDA's Office
14	*JONES, DARRELL	LVMPD P#10154
15	*LANG, J.	LVMPD P# 9662
16	LEAL, DIVINA	C/O CCDA'S Office
17	*LEAL, ANTHONY	Oklahoma
18	*LEE, D.	LVMPD P#10062
19	LONG, DANIEL	LVMPD P#3969
20	*MCDARIS, CAPT. R.	LVMPD P#4985
21	*MCGRATH, LT. D.	LVMPD P#4349
22	*MELTON, LT. J.	LVMPD P#4691
23	MILLER, TERRI	LVMPD P#5113
24	*NIEVES, G.	LVMPD P#13213
25	Parent/Guardian of Devyn Hagarty	3420 Hickey Ave., NLV, NV 89030
26	RAMOS, RACHEL	8855 W. Arby, #1031, LV, NV 89148
27	REYES, LANDON	LVMPD P#13129
28	RIVAS, YESENIA	5419 W. Tropicana Ave., #2316, LV, NV 89103

1	*SCHULLER, N.	LVMPD P#9814
2	SHANE, DONALD	LVMPD P#6727
3	*SIMMONS, I.	LVMPD P#15067
4	*SIMMS, J.	LVMPD P# 15111
5	*SMAKA, SGT. S.	LVMPD P#6098
6	SMINK, JEFFREY	LVMPD P#6556
7	SMITH, SAMUEL	LVMPD P#6424
8	*STACHELI, C.	LVMPD P#9705
9	STRIEGEL, TIMOTHY	LVMPD P#15131
10	SWARTZ, TRAVIS	LVMPD P#13142
11	*TAVAREZ, M.	LVMPD P#8518
12	THOMAS, RHOMEISHA	3640 Barcelona St., #5, Springfield, CA 91977
13	TURNER, LINDA	LVMPD P#6015
14	*WEST, K.	LVMPD P#5759
15	WILLIAMS, ASHLEIGH	4921 River Glenn Dr., #22, LV, NV 89103
16	*WILLIAMS, J.	LVMPD P#14530
17	WILSON, ROBERT	LVMPD P#3836
18	*WOOLARD, B.	LVMPD P#7558
19	WRIGHT, AMANDA	LVMPD P#9974
20	*YBARRA, J.	LVMPD P#6613
21	*YOUNG, W.	LVMPD P#9636
22	///	
23	///	
24	///	
25	///	
26	///	
27	///	
28	///	

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

4 STEVEN B. WOLFSON
5 DISTRICT ATTORNEY
6 Nevada Bar #001565

7 BY /s/ Michelle Fleck
8 MICHELLE FLECK
9 Chief Deputy District Attorney
10 Nevada Bar #010040

11
12
13
14 CERTIFICATE OF SERVICE

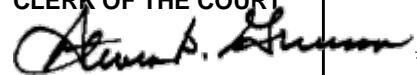
15 I hereby certify that service of Amended Notice of Witnesses was made this 20th day
16 of December, 2017, by e-mail to:

17 JULIA MURRAY, Dep. Public Defender
18 E-mail: murrayjm@clarkcountynv.gov

19 JORDAN SAVAGE, Dep. Public Defender
20 E-mail: savagejs@clarkcountynv.gov

21
22 BY: /s/ Stephanie Johnson
23 Secretary for the District Attorney's Office

24
25
26
27
28 15F11579X/saj/MVU



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE FLECK
Chief Deputy District Attorney
Nevada Bar #10040
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD RAY WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: XII

SUPPLEMENTAL NOTICE OF EXPERT WITNESSES

TO: LEONARD RAY WOODS, Defendant; and

TO: JULIA MURRAY & JORDAN SAVAGE, Deputy Public Defenders, Counsel
of Record:

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

CORNEAL, DR. JENNIFER (or designee): A medical doctor, employed by the Clark
County Coroner's Office as a Deputy Medical Examiner/Forensic Pathologist. She is an
expert in the area of forensic pathology and will give scientific opinions related thereto. She
is expected to testify regarding the cause and manner of death of JOSIE JONES.

DAHN, ROBBIE – LVMPD P# (or designee) - Senior Crime Scene Analyst II: Expert
in the identification, documentation, collection and preservation of evidence and is expected
to testify as an expert to the identification, documentation, collection and preservation of the
evidence in this case.

1 DARR, JASON – LVMPD P#3741 (or designee) – Detective, the Las Vegas
2 Metropolitan Police Department: He will testify as an expert in the area of cellular phones,
3 including but not limited to, cellular system technology including cell tower generation of calls
4 and ability to determine the location where generated, collection and handling of cellular
5 phones for evidentiary purposes, and preservation and retrieval of cellular call and text
6 records/data, photos and/or video. Further, this expert will testify to the results of any and all
7 examinations performed on the cellular phones in this case.

8 FLETCHER, SHAWN – LVMPD P#5221 (or designee) – Crime Scene Analyst:
9 Expert in the identification, documentation, collection and preservation of evidence and is
10 expected to testify as an expert to the identification, documentation, collection and
11 preservation of the evidence in this case.

12 GROVER, BRADLEY – LVMPD P#4934 (or designee) – Crime Scene Analyst:
13 Expert in the identification, documentation, collection and preservation of evidence and is
14 expected to testify as an expert to the identification, documentation, collection and
15 preservation of the evidence in this case.

16 *JOHNSON, DAVID – LVMPD P#9933 (or designee) – Latent Print Examiner: Las
17 Vegas Metropolitan Police Department; will testify as an expert as to the procedures,
18 techniques and science employed in fingerprint analysis, all procedures employed in this case
19 and reports provided.

20 SMINK, JEFFREY – LVMPD P#6556 (or designee) – Crime Scene Analyst: Expert
21 in the identification, documentation, collection and preservation of evidence and is expected
22 to testify as an expert to the identification, documentation, collection and preservation of the
23 evidence in this case.

24 WRIGHT, AMANDA – LVMPD P#9974 (or designee) – Crime Scene Analyst: Expert
25 in the identification, documentation, collection and preservation of evidence and is expected
26 to testify as an expert to the identification, documentation, collection and preservation of the
27 evidence in this case.

28 //

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

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

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

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

BY s/ Michelle Fleck
MICHELLE FLECK
Chief Deputy District Attorney
Nevada Bar #10040

CERTIFICATE OF SERVICE

I hereby certify that service of this Supplemental Notice of Expert Witnesses was made
this 29th day of December, 2017, by e-mail to:

JULIA MURRAY, Dep. Public Defender
E-mail: murrayjm@clarkcountynv.gov

JORDAN SAVAGE, Dep. Public Defender
E-mail: savagejs@clarkcountynv.gov

BY: s/ Janet Robertson
Janet Robertson
Secretary for the District Attorney's Office

15F11579X/JSR/jr

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
CURRICULUM VITAE**

Date: 11/12/2015

Name: David Johnson P#: 9933 Classification: Forensic Scientist II

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of California, Riverside	9/1999-8/2003	Biology	BS
Cal State Fullerton University Extended Education	6/2006 – 3/2007	Forensic Certificate Program	None
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
Understanding Exclusion and Sufficiency Decisions	Las Vegas, NV	11/02/15 – 11/06/15	
100 th Annual IAI Educational Conference	Sacramento, CA	08/02/15 – 08/08/15	
KEYS Leadership Program	Las Vegas, NV	04/10/14 – 12/11/14	
The Emperor's New Clothes: A Guide to Latent Print Testimony	Online – forensicED	08/29/14	
Transition to Leadership	Online – West Virginia University	06/30/14	

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Forensic Entomology for the Crime Scene Investigator	Online – West Virginia University	06/30/14
Introduction to Bloodstain Pattern Analysis	Online – West Virginia University	06/30/14
The Basics of Biological Evidence	Online – West Virginia University	06/30/14
DNA Analysis of Forensic Based Evidence	Online – West Virginia University	06/30/14
Universal Latent Workstation (ULW) Software	Las Vegas, NV	06/24/14 – 06/25/14
Advanced ACE-V Applications for Fingerprint Examiners	Las Vegas, NV	03/03/14 – 03/07/14
Leadership Inside Out	Las Vegas, NV	12/18/13
98 th Annual IAI Educational Conference	Providence, RI	08/05/13 – 8/9/13
NCIC Terminal Operator Certification	Las Vegas, NV	8/28/12
25 th Anniversary AFIS Internet User Conference	Henderson, NV	08/29/11 - 8/31/11
NEDIAI 18 th Annual Educational Conference	Manchester, VT	11/09/10-11/12/10
Photoshop CS5	Las Vegas, NV	08/31/10
Forensic Fingerprint Analysis Basics	Las Vegas, NV	08/25/10
IAI 95 th Educational Conference	Spokane, WA	07/11/10-07/17/10
Analysis of Distortion in Latent Prints	Sacramento, CA	04/15/10 – 04/16/10
Paper Chemistry, Oil Red O, and Physical Developer	Las Vegas, NV	10/09/09
The Development of Latent Prints on Porous Surfaces Using 1,2-IND-Zn	Las Vegas, NV	10/08/09
Writing for Publication	Las Vegas, NV	06/17/09
Probability Based Fingerprint Examination – Fingerprinting in the 21 st Century	Las Vegas, NV	06/15/09-06/16/09
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/09/09-02/10/09
GWS-L Latent user Methods and Operations	Las Vegas, NV	09/17/09-09/18/08

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
IAI 93 rd Educational Conference	Louisville, KY	08/17/08-08/23/08
LVMPD Latent Print Training Program	Las Vegas, NV	03/26/07-07/14/08
PNWD-IAI Education & Training Conference	Medford, OR	05/13/08-05/16/08
Witnessing 101	Las Vegas, NV	05/09/08
Application of Statistics to Ridgeology and ACE-V Methodology	Las Vegas, NV	03/31/08 – 04/04/08
Forensic Ridgeology	Las Vegas, NV	02/18/08 – 02/22/08
Forensic Photography	Las Vegas, NV	02/11/08 – 02/13/08
Forensic Imaging Techniques	Las Vegas, NV	01/07/08 – 01/09/08
Finding Latents with Chemistry and Light	Henderson, NV	12/12/07 - 12/15/07
Advanced Palm Print Comparison Techniques	Fresno, CA	11/13/07 - 11/15/07
Introduction to Firearms Safety	Las Vegas, NV	10/24/07
SCAFO Training Seminar	Riverside, CA	10/01/07 – 10/2/07
IAI 92 nd Educational Conference	San Diego, CA	7/23/07 - 7/27/07
Driver Training	Las Vegas, NV	07/05/07
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Clark County District Court	Latent Prints	48
Federal Court (Nevada)	Latent Prints	2
Clark County Grand Jury	Latent Prints	10
EMPLOYMENT HISTORY		
Employer	Job Title	Date
LVMPD Forensic Laboratory	Forensic Scientist II	03/10 – present
LVMPD Forensic Laboratory	Forensic Scientist I	03/08 – 03/10
LVMPD Forensic Laboratory	Forensic Scientist Trainee	03/07- 03/08
PROFESSIONAL AFFILIATIONS		

<i>Organization</i>	<i>Date(s)</i>
International Association for Identification (IAI)	2007-present
PUBLICATIONS / PRESENTATIONS:	
Publications:	
"The Friction Ridge of the Feet" David Johnson, Encyclopedia of Forensic Sciences (2013) vol. 4 pp. 23-28	
Presentations:	
08/04/15, 08/06/15 "Photoshop: Level I, II, & III" 100 th IAI Educational Conference, Sacramento, CA	
04/13/14 "Introduction to Latent Print Evidence" UNLV Law School, Las Vegas, NV	
08/08/13 "Latent Print Suitability and Standards for Conclusions" 98 th IAI Educational Conference, Providence RI	
02/26/13 "Introduction to Latent Print Evidence" UNLV Law School, Las Vegas, NV	
01/09/13-02/26/13 "Latent Print Suitability Training for Crime Scene Analysts" Las Vegas, NV	
03/30/12 "Introduction to Latent Print Evidence" UNLV Law School, Las Vegas, NV	
11/15/11 "Introduction to Latent Print Evidence" UNLV, Las Vegas, NV	
8/30/11 "How Much is Enough: Exploring "Of Value" Decisions and Borderline Latent Prints" 25 th Anniversary AFIS Internet Conference, Henderson, NV	
11/12/10 "How Much is Enough: Exploring "Of Value" Decisions and Borderline Latent Prints" NEDIAI 18 th Annual Educational Conference, Manchester, VT	
11/12/10 "Ridge Flows of the Feet" NEDIAI 18 th Annual Educational Conference, Manchester, VT	
11/11/10 "Aging and Wound Healing of the Skin" NEDIAI 18 th Annual Educational Conference, Manchester, VT	
10/28/10-10/29/10 "Analysis of Distortion in Latent Prints" San Diego, CA	
10/18/10 "How Much is Enough: Exploring "Of Value" Decisions and Borderline Latent Prints" Indiana IAI 17 th Annual Conference, Fort Wayne IN	
07/16/10 "How Much is Enough: Exploring "Of Value" Decisions and Borderline Latent Prints" IAI 95 th Educational Conference, Spokane, WA	
07/15/10 "Ridge Flows of the Feet" IAI 95 th Educational Conference, Spokane, WA	
07/15/10 "How Much is Enough: Exploring "Of Value" Decisions and Borderline Latent Prints" IAI 95 th Educational Conference, Spokane, WA	
07/13/10 "Ridge Flows of the Feet" IAI 95 th Educational Conference, Spokane, WA	

PUBLICATIONS / PRESENTATIONS:	
07/13/10	"How Much is Enough: Exploring "Of Value" Decisions and Borderline Latent Prints" IAI 95 th Educational Conference, Spokane, WA
05/27/10	"Analysis of Distortion in Latent Prints" CSDIAI 20110 Annual Training Seminar, Rancho Mirage, CA
10/08/09	"Ridge Flows of the Feet" 4 th Tri-Division Educational Conference, Las Vegas, NV
10/07/09	"Ridge Flows of the Feet" 4 th Tri-Division Educational Conference, Las Vegas, NV
9/22/08	"Latent Print Evidence", CSA Academy, LVMPD, Las Vegas, NV
8/22/08	"Ridge Flows of the Feet" IAI 93 rd Educational Conference, Louisville, KY
8/21/08	"Ridge Flows of the Feet" IAI 93 rd Educational Conference, Louisville, KY
8/19/08	"Ridge Flows of the Feet" IAI 93 rd Educational Conference, Louisville, KY
07/21/08-7/25/08	"Ridgeology Science Workshop" Pretoria, South Africa
6/11/08	"Historical and Scientific Development of Latent Print Methodologies", LVMPD, Las Vegas, NV
05/08	"Aging and Wound Healing of the Friction Ridge Skin", PNWDIAI, Medford, OR
05/08	"Disguised and Disrupted Fingerprints", PNWDIAI, Medford, OR
05/08	"Ridge Flows and Crease Patterns of the Feet", PNWDIAI, Medford, OR
05/08	"Analysis of Distortion in Latent Prints", PNWDIAI, Medford, OR
04/08	"Ridge Flows and Crease Patterns of the Feet", SWGFAST, Huntsville, TX
3/08	"Latent Print Evidence", CSA Academy, LVMPD, Las Vegas, NV
1/16/08	"Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV
8/21/07	"Disguising and Disrupting Fingerprints", LVMPD, Las Vegas, NV
8/7/07	"Distortion in Latent Prints", LVMPD, Las Vegas, NV
6/14/07	"Ridge Flows and Crease Patterns of the Hands and Feet", LVMPD, Las Vegas, NV
OTHER QUALIFICATIONS:	
Certified Latent Print Examiner through the International Association for Identification since 9/2009	

Steven D. Grierson

2 LEONARD WOODS, PRO SE

3 330 South Casino Center Blvd.

4 Las Vegas, NV 89101

5 PROPER PARTY

6 EIGHTH JUDICIAL DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 LEONARD WOODS,

CASE NO: C-15-309820-1

9 DEFENDANT,

DEPT NO: XVI (16)

10 VS

11 STATE OF NEVADA

HEARING DATE:

9-11-18

12 PLAINTIFF

HEARING TIME:

9:00A

14 PROPER MOTION TO PROCEED PRO SE

15 COMES NOW LEONARD WOODS, PRO PER, the above listed DEFENDANT, and
16 files the following motion with this Honorable Court. LEONARD WOODS respectfully
17 requests that this Honorable Court allow him to proceed PRO SE, and dismiss
18 attorney-of-record.

19 This motion made and based upon the pleadings and papers contained
20 herein, the Declaration of LEONARD WOODS attached hereto, and any oral
21 argument of petitioner at time of hearing for this matter, if desired by
22 this Honorable Court

24 DATED this 8th day of August 2018

X *Leonard Woods*

LEONARD WOODS, PRO PER

DEFENDANT

283

PP
DA
AOR PD
MC 1 MTPP

CLERK OF THE COURT
AUG 21 2018
5:03 PM

RECEIVED
AUG 21 2018
2:56 PM

CLERK OF THE COURT

POINTS AND AUTHORITIES

Waiver of Counsel and PRO SE Representation. In Faretta v. California the Supreme Court held that an accused has a Sixth Amendment right to conduct his or her own defense in a criminal case. See U.S. vs. Spangle, 626 F.3d 488, 494 (9th Cir 2010). The Sixth Amendment guarantees criminal defendants the right to represent themselves at trial.

The accused must have the ability to conduct the organization and content of his defense. See McKaskle v. Wiggins, 465 U.S. 168, 174 (1984). A pro se defendant must be allowed to control the organization and content of his own defense, to make motions, to argue points of law, to participate in voir dire, to question witnesses, and to address the court and the jury at appropriate points in the trial.

Article 1, section 8(1) of the Constitution OF THE STATE OF NEVADA provides in relevant part:

"the party accused shall be allowed to appear and defend in person"

As more fully discussed in the attached declaration of LEONARD WOODS, I respectfully request that this Honorable Court permit him to dismiss attorney-of-record and proceed, Pro Se because (1) counsel has made no reasonable effort to exercise compulsory processes, nor file any counter-claim, or negative averments; (2) continued representation will result in an unreliable or fundamentally unfair outcome in further proceedings, and trial. See Strickland; 466 U.S. at 687, 691-92 see also Jones v. Ryan, 583 F.3d 626, 646-47 (9th Cir 2009) (3) counsel's performance "fell below an objective standard of reasonableness", see Strickland v. Washington, 466 U.S. 688 (1984) see also Cheney v. Washington, 614 F.3d 987, 996 (9th Cir 2010) presumption of reasonableness when counsel failed to object to the detectives prejudicial testimony; (4) other good cause to proceed exists.

DATED this 8th day of August 2018

X Leonard Woods

LEONARD WOODS, PRO PER

DEFENDANT

DECLARATION OF LEONARD WOODS

1. That I am familiar with the facts and circumstances contained in this motion;

2. That I believe these facts and circumstances are true and correct;

3. That the attorney-of-record is deliberately not filing any counter-claim, negative averment, or set-off;

4. That this is a willful deliberate act of barratry designed specifically to defraud the court;

5. That continued representation will cause unreasonable, fundamentally unfair outcome in this matter;

6. That I would like a full and complete copy of the case file, including all discovery provided by LVMPD, and the Clark County District Attorney office on or before hearing for this motion;

7. That I am aware and prepared for a Farella canvas hearing.

DECLARATION UNDER PENALTY OF PERJURY

I the undersigned do hereby acknowledge that I executed the above and/or foregoing of my own free will and that I am of sound mind to do so. I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare under penalty of perjury under the laws of the United States of America, that the above information is accurate, correct, and true to the best of my knowledge executed within the terms of Nev. Rev. Stat. 171.102 and Nev. Rev. Stat. 208.165 see 28 USC 1746 and 18 USC 1621

DATED this 8th day of August 2018

X Leonard Woods

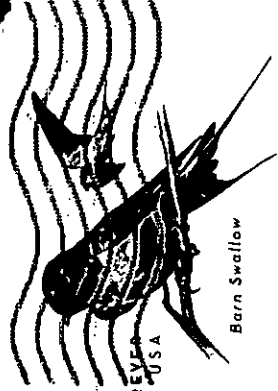
LEONARD WOODS

PRO PER PARTY

LEONARD WOODS 1901705 3N-38
330 CASINO CENTER BLVD
LAS VEGAS, NV 89101

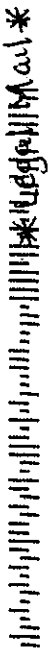
LAS VEGAS NV 890

10 AUG 2018 PM 3 LFOREVER
USA



SENT FROM CCDC

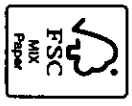
CLERK OF THE DISTRICT COURTS
200 LEWIS AVE. 3RD FLOOR
LAS VEGAS, NV 89155-2212



000009-10168

© USPS 2018

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



SEP 12 2018

Kory Schlitz
BY courtesy notice.
KORY SCHLITZ, DEPUTY

Dear Ms. Fleck, (second letter)

I am writing to you in the form of BY courtesy notice.
I am requesting that the name of the judge or magistrate who signed off on the Application and Affidavit for Search Warrant Electronic Storage Service LVMPD Event Number: 150717-2118 on August 6, 2015 for detective Donald Shane #6727, be provided to me since this judge or magistrate's identity has never been known throughout these proceedings. I am asking for a response from you (10) days of receiving this letter. I will then file for an exculatory hearing with a subpoena for detective Shane to provide the name in question for me. If not provided I will ask the court to suppress and/or dismiss all charges stemming from this invalid search and invalid search warrant.

Thank You,

Leonard Woods, Properia Persona
Attorney-in-fact for DEFENDANT
Third Party Intervenor

(First letter dated August 30, 2018)

Second letter dated September 11, 2018

C-15-309820-1
DOC
Document Filed
4779100



SEP 12 2018

CERTIFICATE OF MAILING

STATE OF NEVADA

COUNTY OF CLARK

BY

Kory Schlitz
KORY SCHLITZ, DEPUTY

I, Leonard Woods, do hereby certify that I am the Attorney-in-fact
in this matter and I am representing myself in Propria Persona
Case No: C-15-309820-1

On this 31ST day of August, 2018, I mailed a copy of the following
documents:

1. JUDICIAL NOTICE OF MY CONSENT DECREE SETTLEMENT (1)

2. NEVADA STATUTORY POWER OF ATTORNEY FORM (NRS. 162A.620) (6)

3. CERTIFICATE OF MAILING (2) 4. MOTION TO PROCEED AS ATTORNEY-IN-FACT (3)

by United States First Class Mail, Postage Prepaid to the following address(es)

1.) STATE OF NEVADA GOVERNOR'S FINANCE OFFICE

Board of Examiners (Attn: Jeff Wells, Clerk)

100 North Carson St. Carson City, Nevada 89701
3rd floor

2.) Clerk of the District Courts 200 Lewis Ave. Las Vegas, NV 89155

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby acknowledge that I executed the above
and/or foregoing of my own free will and that I am of sound mind to do so. I
understand that a false statement or answer to any question in this declaration
will subject me to penalties of perjury.

I declare, under penalty of perjury under the laws of the United States
of America, that the above information is accurate, correct, and true to the best of
my knowledge executed within the terms of NRS. 171.102 and NRS 208.165
see 28 U.S.C. 1746 and 18 U.S.C. 1621

Dated this 31ST day of August, 2018

Leonard Woods

1901705
inmate #

Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

C-15-309820-1
CERT
Certificate of Mailing
4779101



2 NRS 171.102(2) Declaration made subject to penalty of perjury.

3 NRS 208.165 A prisoner may execute any instrument by signing his

4 name immediately following a declaration "under penalty of perjury"

5 with the same legal effect as if he had acknowledged it or sworn to its

6 truth before a person authorized to administer oaths. As used in this

7 section, "prisoner" means a person confined in any jail or prison, or

8 any facility for the detention of juvenile offenders, in this state.

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

LEONARD RAY WOODS,) No. 78816
)
Appellant,)
)
v.)
)
THE STATE OF NEVADA,)
)
Respondent.)
)

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
---	--

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13 day of February, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

LEONARD RAY WOODS, #1216972
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office