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Electronically Filed
Feb 13 2020 10:48 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME II PAGES 290-531

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Clark County District Attorney
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Counsel for Respondent

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LEONARD RAY WOODS
Case No. 78816

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SEP 12 2018

BY

Kory Schlitz
KORY SCHLITZ, DEPUTY

1 NPAF

2 Leonard Woods, natural person, ccoc

3 330 S. Casino center Blvd.

4 Las Vegas, NV 89101 (702) 671-3973 (Held against will under threat, duress, and coercion)

5 Attorney-in-fact for DEFENDANT

6 EIGHTH JUDICIAL DISTRICT COURT

7 CLARK COUNTY NEVADA

8 STATE OF NEVADA

PLAINTIFF

CASE NO: C-15-309820-1

DEPT. NO: 3

9 V.

10 LEONARD WOODS

DEFENDANT

HEARING DATE:

HEARING TIME:

11
12 MOTION TO PROCEED AS ATTORNEY-IN-FACT OF RECORD

13
14 COMES NOW Leonard Woods, Propria Persona, attorney-in-fact for the
15 DEFENDANT, LEONARD WOODS, and files the following motion with this Honorable
16 Court. Leonard Woods respectfully requests that this Honorable Court allow him to
17 proceed as attorney-in-fact of record.

18 This motion is made and based upon the any pleadings and papers
19 contained herein, the Declaration of Counsel attached hereto, and any oral
20 argument of counsel at the time of the hearing for this matter, if
21 desired by this Honorable Court.

22
23 DATED this 29th day of August, 2018

C-15-309820-1
MOT
Motion
4779102



24
25 *X Leonard Woods*

26 Leonard Woods, Propria Persona,
natural person

27 Attorney-in-fact for DEFENDANT,

28 Third party Intervenor

POINTS AND AUTHORITIES

1
2 Nev. Rev. Stat. (NRS) 12.130 Intervention: Right to Intervention; procedure,
3 determination of costs; provides in relevant part:

4 "1. Except as otherwise provided in subsection 2:

5 (a) Before the trial, any person may intervene in an action or proceeding,
6 who has an interest in the matter in litigation, in the success of either of
7 the parties, or an interest against both.

8 (b) An intervention takes place when a third person is permitted to become
9 a party to an action or proceeding between other persons, either by
10 joining the plaintiff in claiming what is sought by the complaintant, or
11 as in this case uniting with the DEFENDANT, LEONARD WOODS in
12 resisting the claims of the plaintiff, or by demanding anything adversely
13 to both the plaintiff and the defendant."

14 As more fully discussed in the attached Declaration of Counsel, counsel
15 respectfully requests that this Honorable Court permit him to proceed as Attorney-in-fact
16 of record for DEFENDANT because (1) entering as third party intervenor is in the best
17 interests of DEFENDANT; (2) Attorney of Record has willfully, and deliberately not filed
18 a counterclaim, recoupment, or set-off against plaintiff; (3) Attorney of Record continued
19 representation will result in benefitting the plaintiff, State of Nevada, and adversely
20 effect the material interests of DEFENDANT; (4) other good cause for third party
21 intervention exists.

22
23 DATED this 29TH day of August, 2018

24 X Leonard Woods

25 Leonard Woods, Propria Persona, natural person

26 Attorney-in-fact for DEFENDANT.

27 Third Party Intervenor

28 ///

DECLARATION OF COUNSEL

Leonard Woods, Propria Persona, makes the following declaration:

1. That I have filed a Power-of-Authority, NRS 162A.620 with the Clerk of Court, and with the Nevada State Board of Examiners;
2. That I am presently the Attorney-in-fact for the DEFENDANT in this case;
3. That I am familiar with the facts and circumstances contained in this motion;
4. That I believe these facts and circumstances are true and correct;
5. That former Attorney-of-Record has failed to demonstrate a reasonable effort to exercise any intention to file any counterclaims, or file any compulsory filings to corroborate my version of events;
6. That I will need a full and complete copy of the case file, including any and all discovery by attorney-of-record and the Clark County District Attorney on or before the hearing for this motion.

DECLARATION UNDER PENALTY 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 USC 1746 and NRS 208.165 see 28 U.S.C 1746 and 18 U.S.C 1621

DATED this day 29TH of August 2018

X Leonard Woods

Leonard Woods, Propria Persona, Third Party Intervenor

Attorney-in-fact for DEFENDANT

///

///

///

///

///

SEP 12 2018

BY Kory Schlitz
KORY SCHLITZ, DEPUTY

1 MFD

2 Leonard Woods, in Propria Persona

3 330 Casino Center Blvd (ccdc) Las Vegas, NV 89101

4 Attorney-in-fact for DEFENDANT

5 EIGHTH JUDICIAL DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-309820-1
DEPT. NO: 3

8 V

9 LEONARD WOODS
DEFENDANT

HEARING DATE:
HEARING TIME:

10

11 MOTION FOR DISCOVERY (PURSUANT TO NRS 174.235)

12

13 COMES NOW, Leonard Woods, the attorney-in-fact for DEFENDANT,
14 LEONARD WOODS, and files the following motion with this Honorable Court.
15 Leonard Woods respectfully requests that this Honorable Court grant this
16 Motion For Discovery.

17 This motion is made and based upon the any pleadings and papers
18 contained herein, the Declaration of Counsel attached hereto, and any oral
19 argument of counsel at the time of the hearing for this matter, if desired
20 by this Honorable Court.

21

22 DATED this 3rd day of September, 2018

23

X Leonard Woods

24

Leonard Woods, Propria Persona

25

C-15-309820-1
MDIS
Motion for Discovery
4779103

Attorney-in-fact for DEFENDANT

26

///

Third Party Intervenor

27

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POINTS AND AUTHORITIES

Nev. Rev. Stat. 174.235 Disclosure by a prosecuting attorney

of evidence relating to prosecution provides in relevant part:

"at the request of a defendant, the prosecuting attorney shall permit the defendant to inspect and to copy or photograph any; (c) Books, papers, documents, tangible objects, or copies 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 prosecution"

I am requesting a copy of the bond(s), property real, personal, and mixed, and all judgements, bonds, specialties, choses in action, claims and debts of whatsoever description, and all records, and public Archives of the Territory of Nevada as described in THE CONSTITUTION OF THE STATE OF NEVADA, specifically Article 17- schedule, section 4. Existing obligations and pending suits, which provides in relevant part:

"All recognizances heretofore taken, or which may be taken before the change from a Territorial, to a State Government, shall remain valid, and shall pass to, and may be prosecuted in the name of the State, and all ~~and~~ bonds, executed to the Governor of the Territory or to any other Officer or Court in his or her official capacity."

Additionally, all records relating to Senate Bill 398 which is AN ACT relating to electronic ~~and electronic~~ transactions; recognizing blockchain technology as a type of electronic record for the purposes of the Uniform Electronic Transactions Act (UETA) which THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS IN RELEVANT PART:

"Section 1. Chapter 719 of NRS is hereby amended by adding thereto a new section to read as follows:

"Blockchain" means an electronic record of transactions or other data which is:

1.) Uniformly ordered;

2.) Redundantly maintained or processed by one or more

computers or machines to guarantee the consistency of data; and

3.) Validated by the use of cryptology

Sec. 2 NRS 719.020 is hereby amended to read as follows:

719.020 As used in this Chapter, unless the context otherwise requires, the words and terms defined in NRS 719.030 to 719.180, inclusive, and section 1 of this act have the meanings ascribed to them in those sections"

"Sec. 5(c)(a)(b) The board of county commissioners or county license board shall not require a person is a professional. As used in this subsection.

"professional" means a person who

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060

or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee"

"Regulatory body" as defined in NRS 622.060(1)(2) means the following:

"1.) Any State agency, board or commission which has authority to regulate an occupation or profession pursuant to this title; and

2.) Any officer of a State agency, board or commission which has authority to regulate an occupation or profession pursuant to this title."

Sec. 2 NRS 719.030 "AGREEMENT"

"Agreement" means the bargain of the parties as found in their language or inferred from other circumstances and from rules,

regulations, and procedures given the effect or agreements under laws otherwise applicable to a particular transaction.

Sec. 2 NRS 719.040 "AUTOMATED TRANSACTION"

"Automated Transaction" means a transaction conducted or performed in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by a natural person in the ordinary course informing a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

Sec. 2 NRS 719.060 "CONTRACT"

"Contract" means the total legal obligation resulting from the parties agreement as affected by the chapter and other applicable law.

Sec. 2 NRS 719.080 "ELECTRONIC AGENT"

"Electronic Agent" means a computer program or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by a natural person.

Sec. 2 NRS 719.090 "ELECTRONIC RECORD"

"Electronic Record" means a record created, generated, sent, communicated, received, or stored by electronic means. The term includes, without limitation, a blockchain.

Sec. 2 NRS 719.100 "ELECTRONIC SIGNATURE"

"Electronic Signature" means an electronic sound, symbol, or process attached to or logically associated with a record or adopted by a person with the intent to sign the record.

1
2 Sec. 2 NRS 719.180 "TRANSACTION"

3 "Transaction" means an action or set of actions
4 occurring between two or more persons relating
5 to the conduct of business, commercial, or
6 government affairs.

7 ARGUMENT

8 Under "UCC 1-308 without prejudice" I reserve my right
9 not to be compelled to perform under any contract or commercial
10 agreement that I did not enter KNOWINGLY, VOLUNTARILY, AND
11 INTENTIONALLY - I do not accept the liability of any compelled
12 benefit, or any unrevealed contract or commercial agreement.

13 Therefore, any property, accounts, trusts, bonds, monies, or profits
14 made in DEFENDANT LEONARD WOODS' name shall be immediately
15 returned to me at the bonafide price as I am the administrator and
16 executor of the account that is in the DEFENDANT LEONARD WOODS'
17 name

18 CONCLUSION

19
20 The defense is requesting that any and all property, accounts,
21 trusts, bonds, monies, or profits made in DEFENDANT LEONARD WOODS' name
22 be returned immediately at the bonafide price, and that a full and
23 complete copy of the case file including blockchain and any and all
24 discovery in LEONARD WOODS' name, be provided to me by the Clark County
25 District Attorney Michelle Fleck and/or the Clark County District Attorney's
26 Office, the Clark County Public Defender Julia Murray and/or the Clark
27 County Public Defender's Office on or before the hearing for this
28 motion.

1
2 DECLARATION UNDER PENALTY OF PERJURY
3

4 I, the undersigned, do hereby acknowledge that I executed the
5 above and/or foregoing of my own free will and that I am of sound
6 mind to do so. I understand that a false statement or answer to
7 any question in this declaration will subject me to penalties of
8 perjury. I declare under penalty of perjury under the laws of the
9 United States of America, that the above information is accurate,
10 correct, and true to the best of my knowledge executed within the
11 terms of NRS 171.102 and NRS 208.165, see 28 U.S.C 1746 and ~~18 U.S.C 1621~~
12 18 U.S.C 1621

13 ~~x Leonard Woods~~

14 Leonard Woods, natural person, Propria Persona

15 Attorney-in-fact for DEFENDANT, Third Party Intervenor
16

17 DATED this 3rd day of September, 2018
18 ""
19 ""
20 ""
21 ""
22 ""
23 ""
24 ""
25 ""
26 ""
27 ""
28 ""

SEP 12 2018

1 MTS

2 Leonard Woods, in Properia Persona

BY: Kory Schütz
KORY SCHÜTZ, DEPUTY

3 330 Casino Center Blvd (CCDC) Las Vegas, NV 89101

4 Attorney-in-fact for DEFENDANT

5 EIGHTH JUDICIAL DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 STATE OF NEVADA

CASE NO: C-15-309820-1

8 PLAINTIFF

DEPT. NO: 3

9 V

LEONARD WOODS

HEARING DATE:

10 DEFENDANT

HEARING TIMES:

11 MOTION TO SEVER

12
13 COMES NOW, the DEFENDANT, LEONARD WOODS, by and
14 through Leonard Woods, Attorney-in-fact, Properia Persona, respectfully
15 requests this Honorable Court to grant this MOTION TO SEVER
16 Count 1 and 2-10. The defense further requests that this Honorable Court
17 bifurcate counts 1 and 9-10.

18 This motion is made and based upon the any pleadings and
19 papers contained herein, the Declaration of Counsel attached hereto,
20 and any oral argument of counsel at the time of the hearing for this
21 matter, if desired by this Honorable Court.

22
23 DATED this 1ST day of September, 201824 x Leonard Woods25 C-15-309820-1
MSVR
Motion to Sever
4779104

Leonard Woods, Properia Persona



Attorney-in-fact for DEFENDANT

27 Third Party Intervenor

28 11

FACTUAL ALLEGATIONS

This case is about a homicide that occurred before three alleged witnesses at a Walgreens on Tropicana Ave. August 5, 2015. The victim Josie Jones was fatally stabbed repeatedly and died later of her injuries.

At the time, two of the witnesses (Gerald Garland and Yesenia Rivas) said they had seen and heard a woman being attacked in the Walgreen's parking lot but gave varying descriptions of the attacker. The third witness, Divina Leal (victim's daughter), said she saw what she thought was her mom being robbed and ran back into the store. Stating she never actually saw the attacker's face or clothing description, but later stated afterward, she "thinks" it could have been her stepfather. (suggesting WOODS)

Police, the month before, had conducted a warrant search on July 17, 2015 at 3492 Pinon Peak Dr. where WOODS had been accused of residing. Two firearms were recovered from the search and charged to WOODS. 57 days later while in custody for the murder charge, on September 12, 2015, WOODS was rebooked and charged with counts 2-7 on evidence found in a cell phone said to have belonged to him that had been in police custody inventory since July 17, 2015. The firearms in counts 9-10 were recovered from that location.

The defense is requesting that this court sever counts 1 and 2-10. The firearms charged in counts 9-10 were recovered by Las Vegas Metro PD from a home where Josie Jones allegedly resided, at the direction of Jones. The weapons (firearms) charged in counts 9-10 are not weapons alleged to have been used in the murder charged in this case. They were recovered a month prior to this incident pursuant to a warrant search at 3492 Pinon Peak Dr. This was a residence allegedly shared by WOODS, JONES, and LEAL. This was

1
2 NOT the parking lot outside of Walgreens which the victim in this case
3 was found, furthermore no weapons were recovered at that scene from this
4 incident then or since. The weapons charged in counts 9-10 are not alleged
5 to have any connection to the murder charged in Count 1.

6 At one point in these proceedings WOODS was simultaneously being
7 charged with counts 8-10 in Judge Leavitt (DC 12) and Judge Goodman (JC-11)
8 from October 5, 2015 through June 13, 2016 (case # PC15F10603X) on which
9 there was a DA Denial called in JC11. Overlapping each other in the process
10 starting with WOODS being arraigned October 6, 2015 for District Court
11 on some of the exact same charges he had just faced (8-10) on October 5,
12 2015 in JC Court the previous day (see exhibit "A") The counts 2-7 were
13 added later on after an unreasonable delay in the charge since the cell phone
14 was in police custody from July 17, 2015 to September 12, 2015 before charges
15 were filed and have no connection to the murder charged in Count 1.

16 The charges for the firearms in counts 9-10 and the charges in
17 counts 2-8 should be severed from the murder charged in Count 1 as
18 they are not interrelated to the murder in any way and should not be
19 joined. The possession of firearms charged in counts 9-10 should be
20 bifurcated from Count 1, so that the jury is not aware of WOODS'
21 ex-felon status while deliberating the murder charge, as mandated
22 by Brown v. State 114 Nev. 1118 (1998); Morales v. State, 112 Nev 966 (2001)

23 24 ARGUMENT

25 26 I. SEVERANCE OF COUNTS

27
28 ~~██████~~ Except under the following limited circumstances, the

not consider evidence that WOODS constructively possessed weapons at another location or evidence based on a separate incident. Likewise, a jury determining whether WOODS possessed the weapons alleged in Counts 9-10 or the crimes alleged in Counts 2-8, should not consider that WOODS is charged with murder or possession of the weapon alleged to have been used in that murder.

Tabish v. State, 72 P.3d. 584 (2003) outlines the framework for analyzing severance of offenses under 173.115. In Tabish, the defendant faced multiple counts based upon separate incidents. He made numerous motions for severance which were denied by the District Court. Id. at 301. Reversing the case, the Nevada Supreme Court held that "the District Court improperly denied appellant's motion to sever the counts and that the error was not harmless beyond a reasonable doubt." Id. at 301-01. Following a facts-specific analysis, the Tabish Court found that: (1) the alleged connections between the counts did not demonstrate a common scheme or plan; (2) Appellants were prejudiced by the joinder; (3) judicial economy was outweighed by the prejudice joinder; (4) the "complete story of the crime" doctrine did not apply; and (5) joinder was not supported by cross-admissibility of the counts. Id. at 304-08.

In this case, there is no connection between Count 1 the murder charge and the charge for possession of the alleged murder weapon, and Counts 9-10, constructive possession of weapons found in another location and not alleged to have been used in the murder. WOODS would be prejudiced if evidence of the other firearms was admitted as they may see WOODS as a bad guy and certainly he would be prejudiced by the jury becoming aware of his convicted person status. There is no judicial economy in charging Count 1 to be charged with Counts 9-10, as they would require bifurcation to protect WOODS' right to a fair trial without the jury becoming aware of his convicted person status. Brown v. State, 114 Nev. 1118 (1998); Morales v. State, 112 Nev. 966 (2006). These firearms and other charges are not necessary for a "complete story of the crime" doctrine and there is no basis for cross-admissibility. Counts 2-10 should be severed.

II. BIFURCATION OF COUNT 1 AND COUNTS 9-10

Count 1 charges WOODS with murder and Counts 9-10 charges WOODS with ownership or possession of a firearm by a prohibited person "[I]n those cases where the state seeks convictions on multiple counts, including a count of possession of a firearm by an ex-felon pursuant to NRS. 202.360" severance of counts is required. Brown v. State, 114 Nev. 1118, 1126 (1998). This is because "introduction of a defendant's prior felony convictions exposes the defendant to prejudice." Id. Bifurcation accomplishes this policy by preventing the jury from hearing proof of a prior felony conviction before deliberating on the unrelated charge. Morales v. State, 112 Nev. 966 (2006) Count 1 and Counts 9-10 should be bifurcated.

CONCLUSION

For the foregoing reasons, the defense requests that this court should sever Count 1 from Counts 2-10. The defense further requests that this court bifurcate Count 1 and Counts 9-10.

DATED This 1ST day of September, 2018

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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 U.S.C. 1746 and 18 U.S.C. 1621

DATED This 1ST day of September, 2018

~~Leonard Woods~~

Leonard Woods, Properia Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

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

Court Minutes



PC15F10603X State of Nevada vs. WOODS, LEONARD RAY

**10/5/2015 7:30:00 AM Felony Court Return Date (DARF Release-
ICOC)**

Result: Matter Heard

PARTIES Defendant WOODS, LEONARD RAY
PRESENT:

Judge: Goodman, Eric
Prosecutor: Anderlik, Liz
Court Reporter: Silvaggio, Rene
Court Clerk: Powers, Rissa

PROCEEDINGS

Hearings: 1/13/2016 7:30:00 AM: Status Check on Filing of Criminal Complaint **Added**

Events: **Continued for Status Check on filing of Criminal
Complaint**

Not in custody

Counts: 001; 002; 003; 004

EXHIBIT "A"

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

Court Minutes



L006003905

PC15F10603X State of Nevada vs. WOODS, LEONARD RAY

**1/13/2016 7:30:00 AM Status Check on Filing of
Criminal Complaint (No Bail Posted - In custody
other charges)**

Result: Matter Heard

**PARTIES
PRESENT:**

Defendant

WOODS, LEONARD RAY

Judge: Goodman, Eric

Prosecutor: Rose, Steven

Court Reporter: Smith, Patsy

Court Clerk: Powers, Rissa

PROCEEDINGS

Hearings: 4/13/2016 7:30:00 AM: Status Check on Filing of Criminal Complaint

Added

Events: **Not in custody**

Counts: 001; 002; 003; 004

**Continued for Status Check on filing of Criminal
Complaint**

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

Department: 3

Court Minutes



L006385051

PC15F10603X State of Nevada vs. WOODS, LEONARD RAY

**4/13/2016 7:30:00 AM Status Check on Filing of
Criminal Complaint (no bail posted, In custody on
other charges)**

Result: Matter Heard

PARTIES Defendant WOODS, LEONARD RAY
PRESENT:

Judge: Goodman, Eric
Prosecutor: Craggs, Genevieve
Court Reporter: Smith, Patsy
Court Clerk: Powers, Rissa

PROCEEDINGS

Hearings: 7/13/2016 7:30:00 AM: Status Check on Filing of Criminal Complaint Added

Events: **Continued for Status Check on filing of Criminal
Complaint**

Not in custody

Counts: 001; 002; 003; 004

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

Department: PC

Court Minutes



L006762996

PC15F10603X State of Nevada vs. WOODS, LEONARD RAY

**7/13/2016 7:30:00 AM Status Check on Filing of
Criminal Complaint (no bail posted - ICOC (C-15-
309820-1))**

Result: Matter Heard

PARTIES State Of Nevada Jones, Tierra
PRESENT: Defendant WOODS, LEONARD RAY

Judge: Senior/Visiting, Judge

Court Reporter: Smith, Patsy

Court Clerk: Powers, Rissa

Senior/Visiting Judge: Oesterle, Nancy

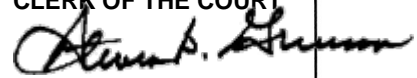
PROCEEDINGS

Events: Not in custody

Counts: 999; 999; 999; 999

DA Denial

Review Date: 8/12/2016



1 ORDR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 JULIA M. MURRAY, CHIEF DEPUTY PUBLIC DEFENDER
5 NEVADA BAR NO. 10939
6 **PUBLIC DEFENDERS OFFICE**
7 309 South Third Street, Suite 226
8 Las Vegas, Nevada 89155
9 Telephone: (702) 455-4685
10 Facsimile: (702) 455-5112
11 *Attorneys for Defendant*

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

9 THE STATE OF NEVADA,)	
)	
10 Plaintiff,)	CASE NO. C-15-309820-1
)	
11 v.)	DEPT. NO. III
)	
12 LEONARD RAY WOODS,)	
)	
13 Defendant,)	
<hr/>		

14 **ORDER TO FILE DECLARATION OF COUNSEL UNDER SEAL**

15 Upon the request of the above-named Defendant, LEONARD RAY WOODS, by and
16 through JULIA M. MURRAY, Clark County Deputy Public Defender, and good cause appearing
17 therefore,

18 IT IS HEREBY ORDERED that upon request of this Court, that JULIA M. MURRAY,
19 Deputy Public Defender, may file a Declaration of Counsel in Support of Request for Records
20 under seal.

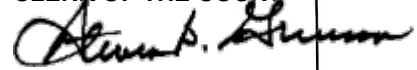
21 DATED 1 day of January, 2018.

22 
23 
24 **DISTRICT COURT JUDGE**

25 Submitted by:

26 PHILIP J. KOHN
27 CLARK COUNTY PUBLIC DEFENDER

28 By 
JULIA M. MURRAY, #10939
Chief Deputy Public Defender



ORDR
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
JULIA M. MURRAY, CHIEF DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 10939
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309 South Third Street, Suite 226
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Telephone: (702) 455-4685
Facsimile: (702) 455-5112
MurrayJM@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

LEONARD RAY WOODS,

Defendant,

CASE NO. C-15-309820-1
DEPT. NO. III

**ORDER AUTHORIZING STANDBY COUNSEL TO PROVIDE WRITING MATERIALS TO
PRO PER DEFENDANT LEONARD WOODS (ID# 1901705)**

THIS MATTER having come before the Court on August 29, 2018, and good
cause appearing therefor,

IT IS HEREBY ORDERED that "Standby Counsel," Chief Deputy Public
Defender JULIA M. MURRAY and/or a representative of the Clark County Office of the Public
Defender is authorized to provide writing materials (pad of paper, envelopes, writing utensil,
etc.) to Pro Per Defendant LEONARD WOODS (ID# 1901705). All items provided are subject
to inspection by the Clark County Detention Center prior to being provided to Defendant.

DATED 29th day of August, 2018.


DISTRICT COURT JUDGE

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Submitted on behalf of Pro Per Defendant Leonard Woods by standby counsel:

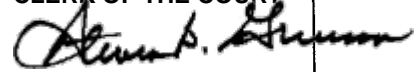
PHILIP J. KOHN

CLARK COUNTY PUBLIC DEFENDER

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

Case Number: C-15-309820-1

Case Number: C-15-309820-1



ORDR
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
JULIA M. MURRAY, CHIEF DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 10939
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
MurrayJM@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

LEONARD RAY WOODS,

Defendant,

CASE NO. C-15-309820-1
DEPT. NO. III

**ORDER AUTHORIZING STANDBY COUNSEL TO BRING DIGITALLY-STORED
CASE MATERIALS INTO THE CLARK COUNTY DETENTION CENTER**

THIS MATTER having come before the Court on August 29, 2018, and good
cause appearing therefor,

IT IS HEREBY ORDERED that "Standby Counsel," Chief Deputy Public
Defender JULIA M. MURRAY and/or a representative of the Clark County Office of the Public
Defender is authorized to bring into the Clark County Detention Center attorney-client contact
visiting rooms and utilize digital discovery to include but not limited to DVDs and USB drives
and the necessary digital equipment including but not limited to a laptop computer or tablet and
cellular telephone for the purpose of reviewing discovery, investigative, and other case-related
evidentiary materials during the pendency of this case.

IT IS FURTHER ORDERED that Pro Per Defendant LEONARD WOODS may
utilize these devices and access the discovery materials as provided for above.

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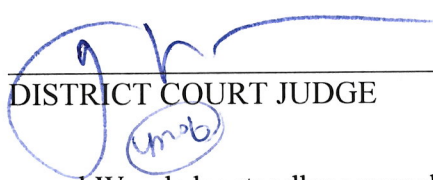
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DATED 29th day of August, 2018.

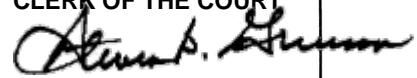


DISTRICT COURT JUDGE

Submitted on behalf of Pro Per Defendant Leonard Woods by standby counsel:

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

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



ORDR
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
JULIA M. MURRAY, CHIEF DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 10939
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-15-309820-1
)	
v.)	DEPT. NO. III
)	
LEONARD RAY WOODS,)	
)	
Defendant,)	
)	

ORDER TO FILE DECLARATION OF COUNSEL UNDER SEAL

Upon the request of the above-named Defendant, LEONARD RAY WOODS, by and through JULIA M. MURRAY, Clark County Deputy Public Defender, and good cause appearing therefore,

IT IS HEREBY ORDERED that upon request of this Court, that JULIA M. MURRAY, Deputy Public Defender, may file a Declaration of Counsel in Support of Request for Records under seal.

DATED 1 day of ^{February} January, 2018.


DISTRICT COURT JUDGE

Submitted by:

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By 
JULIA M. MURRAY, #10939
Chief Deputy Public Defender

SEP 26 2018

BY

KORY SCHULTZ, DEPUTY

JNCDS

Leonard Woods, Propria Persona, Natural Person

330 South Casino Center Blvd.

Las Vegas, NV, 89101

Attorney-in-fact

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA
plaintiff,

CASE NO: C-15-309820-1

DEPT NO: 3

C-15-309820-1
NOTICE
4782817

VS.

LEONARD WOODS
defendant

HEARING DATE:

HEARING TIME:



JUDICIAL NOTICE OF MY CONSENT DECREE SETTLEMENT

Please take note of this self-executing, JUDICIAL NOTICE OF MY CONSENT

DECREE SETTLEMENT, via the administrative remedy process that is charged

and binding to all court matters in Las Vegas, NEVADA which includes

CASE NO: C-15-309820-1 you must recognize that I am reserving all my rights

and remedies under U.C.C. 1-308 (not bound by any contract), the "ACT OF

PERSONAGE" (the false creation or alteration of a persons name to provide a

foreign character or standing to harm or prejudice the person counterfeited

without their consent) and my recourse is preserved by U.C.C. 1-303.6 (which

requires all further interpretations of contracts, identities, rules and relationships

to conform with Common Law).

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 USC 1746, 18 USC 1621

X Leonard Woods

DATED on this 18th day of Aug. 2018

Leonard Woods, Propria Persona, natural person
Attorney-in-fact for DEFENDANT

RECEIVED
SEP 26 2018
CLERK OF THE COURT

JNCDS

Leonard Woods, Propria Persona, Natural Person

330 South Casino Center Blvd.

Las Vegas, NV, 89101

Attorney-in-fact

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA
plaintiff,

CASE NO: C-15-309820-1
DEPT NO: 3

VS.

LEONARD WOODS
defendant

HEARING DATE:
HEARING TIME:

JUDICIAL NOTICE OF MY CONSENT DECREE SETTLEMENT

Please take note of this self-executing, JUDICIAL NOTICE OF MY CONSENT DECREE SETTLEMENT, via the administrative remedy process that is charged and binding to all court matters in Las Vegas, NEVADA which includes CASE NO: C-15-309820-1 you must recognize that I am reserving all my rights and remedies under U.C.C. 1-308 (not bound by any contract), the "ACT OF PERSONAGE" (the false creation or alteration of a persons name to provide a foreign character or standing to harm or prejudice the person counterfeited without their consent) and my recourse is preserved by U.C.C. 1-303.6 (which requires all further interpretations of contracts, identities, rules and relationships to conform with Common Law).

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 USC 1746, 18 USC 1621

X Leonard Woods
Leonard Woods, Propria Persona, natural person
Attorney-in-fact for DEFENDANT

DATED on this 18th day of Aug. 2018

319

RECORDING REQUESTED BY:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEVADA STATUTORY POWER OF ATTORNEY

NRS 162A.620

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

- A. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU. YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.
- B. THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.
- C. THIS POWER OF ATTORNEY **DOES NOT** AUTHORIZE THE AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.
- D. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.
- E. YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.
- F. YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.
- G. THIS FORM PROVIDES FOR DESIGNATION OF ONE AGENT. IF YOU WISH TO NAME MORE THAN ONE AGENT YOU MAY NAME A CO-AGENT IN THE SPECIAL INSTRUCTIONS. CO-AGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCTIONS.

- H. IF YOUR AGENT IS UNABLE OR UNWILLING TO ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NAME A SECOND SUCCESSOR AGENT.
- I. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT.
- J. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY EXCEPT AS SPECIFICALLY PROVIDED OTHERWISE BY LAW OR IN THE DOCUMENT GRANTING THE PRIOR POWER OF ATTORNEY.
- K. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK AN ATTORNEY TO EXPLAIN IT TO YOU.

NEVADA STATUTORY POWER OF ATTORNEY

Principal	LEONARD WOODS, DEFENDANT, CASE NO. 2008-00000 ; DEPT. 30 #1901705 C-15-309820-1
Agent	Leonard Ray Woods, natural person Address: 330 CASINO CENTER BLVD. LAS VEGAS, NV 89101 (held against Telephone: (702) 671-3973 will under threat, duress, & coercion)
Alternate Agent	Daijha Marley Woods, natural person (daughter) Address: 161 East Prospect St. East Orange, NJ 07017 Telephone: (862) --- ----

1. DESIGNATION OF AGENT.

I, the above-named Principal, do hereby designate and appoint the above-named Agent as my agent to make decisions for me and in my name, place and stead and for my use and benefit and to exercise the powers as authorized in this document.

2. DESIGNATION OF ALTERNATE AGENT.

If my agent is unable or unwilling to act for me, then I designate the Alternate Agent designated above to serve as my agent as authorized in this document. All references to "my agent" refer to an alternate agent only after the immediate predecessor has failed or ceased to act.

3. OTHER POWERS OF ATTORNEY.

This Power of Attorney is intended to, and does, revoke any prior Power of Attorney for financial matters I have previously executed other than a power of attorney that grants the authority to transfer assets into one or more trusts established by my or to designate a trust I established as the beneficiary under a contract or transfer-on-death arrangement. This Power of Attorney does not affect any power of attorney for health care.

4. NOMINATION OF GUARDIAN.

If, after execution of this Power of Attorney, incompetency proceedings are initiated either for my estate or my person, I hereby nominate my agent as the guardian of my estate or conservator. This shall be superseded by any nomination of a guardian made in a document that I sign after the date of this document. If my agent fails or ceases to act as the guardian of my estate or conservator, the Alternate Agent designated above shall serve in the order named.

5. GRANT OF GENERAL AUTHORITY.

I grant my agent the general authority to act for me with respect to the following subjects:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

☒ Real Property

- ☒ Tangible Personal Property
- ☒ Stocks and Bonds
- ☒ Commodities and Options
- ☒ Banks and Other Financial Institutions
- ☒ Safe Deposit Boxes
- ☒ Operation of Entity or Business
- ☒ Insurance and Annuities
- ☒ Estates, Trusts and Other Beneficial Interests
- ☒ Legal Affairs, Claims and Litigation
- ☒ Personal Maintenance
- ☒ Benefits from Governmental Programs or Civil or Military Service
- ☒ Retirement Plans
- ☒ Taxes
- ☒ All Preceding Subjects

6. GRANT OF SPECIFIC AUTHORITY.

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

- ☒ Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust
- ☒ Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney
- ☒ Create or change rights of survivorship
- ☒ Create or change a beneficiary designation
- ☒ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- ☒ Exercise fiduciary powers that the principal has authority to delegate
- ☒ Disclaim or refuse an interest in property, including a power of appointment

7. LIMITATION ON AGENT'S AUTHORITY.

An agent that is not my spouse MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

8. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT: Enter as 3rd Party Intervenor; Attorney-in-fact; Executor and Administrator of Estate of LEONARD WOODS, DEFENDANT; CASE NO: ~~000000~~-C-15-309820-1, DEPT. NO. 30. And may, for the purpose of carrying into effect and promoting its objectives:
- (a) make contracts
 - (b) own, hold, use, manage, and deal in and with real and personal property.
 - (c) Do all other acts incidental to the foregoing or necessary or expedient for the administration of affairs and attainment of purposes.
9. DURABILITY AND EFFECTIVE DATE. (INITIAL each clause that applies.)

[AW] DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.

[AW] SPRINGING POWER. It is my intention and direction that my designated agent, and any person or entity that my designated agent may transact business with on my behalf, may rely on a written medical opinion issued by a licensed medical doctor stating that I am disabled or incapacitated, and incapable of managing my affairs, and that said medical opinion shall establish whether or not I am under a disability for the purpose of establishing the authority of my designated agent to act in accordance with this Power of Attorney.

[AW] I wish to have this Power of Attorney become effective on the following date: August 18th, 2018

[AW] I wish to have this Power of Attorney end on the following date: Jan 1, 3000

[AW] I wish to have this Power of Attorney continue in force until revoked by me or until my death, whichever occurs first.

10. THIRD PARTY PROTECTION.

Third parties may rely upon the validity of this Power of Attorney or a copy and the representations of my agent as to all matters relating to any power granted to my agent, and no person or agency who relies upon the representation of my agent, or the authority granted by my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power unless a third party knows or has reason to know this Power of Attorney has terminated or is invalid.

11. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information, by any government agency, business, creditor or third party who may have information pertaining to my assets or income, to my agent named herein.

12. SIGNATURE AND ACKNOWLEDGMENT. YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY. THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

I am the above-named "Principal", and I sign my name to this Power of Attorney in Las Vegas, Nevada.

Leonard Woods
(Name:) LEONARD WOODS

8-18-2018
Date

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14 DATED THIS 18th day of August, 20 18.

15 I LEONARD WOODS, do

16 solemnly swear, under the penalty of perjury, that

17 the above Power of Attorney is accurate,

18 correct, and true to the best of my knowledge.

19
20 NRS 171.102 and NRS 208.165.

21 Respectfully submitted,

22 Leonard Woods

23 LEONARD WOODS

24 Defendant

25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately
26 following a declaration "under penalty of perjury" with the same legal effect as if he had
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the
detention of juvenile offenders in this state.

SEP 26 2018

1 MTSC

2 Leonard Woods, in Properia Persona

3 330 Casino Center Blvd. (ccdc) Las Vegas, NV 89101

4 Attorney-in-fact for DEFENDANT

Kory Schlitz
KORY SCHLITZ, DEPUTY

5

6

EIGHTH JUDICIAL DISTRICT COURT

7

CLARK COUNTY, NEVADA

8

9

STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-309820-1
DEPT NO: 3

10

V
LEONARD WOODS
DEFENDANT

HEARING DATE:
HEARING TIME:

12

13

MOTION TO SUPPRESS CONTENTS OF SEARCH

14

OF CELL PHONE

15

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DATED this 20th day of September, 2018

C-15-309820-1
MSPR
Motion to Suppress
4782918



X *Leonard Woods*

Leonard Woods, Properia Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

FACTUAL ALLEGATIONS

On July 17, 2015 about 4:45 in the evening, WOODS was pulled over on a traffic stop by LVMPD officers L. Reyes and T. Striegel. After exiting the vehicle he was driving WOODS was told that a warrant had been issued to search the premises of one of his girl friends who lived at 3492 Pinon Peak Dr. and he was to be detained until that warrant was secured. WOODS was asked if he knew if any guns were at that address to which WOODS replied "if there are I don't know nothing about them". About 9:30 pm, after being detained almost 5 hours, WOODS was told that he was being arrested for ex-felon in possession of firearms and open and gross lewdness. WOODS later learned that Josie Jones (girl friend) had told police that the guns in the residence she was staying in belonged to him and that Divina Leal (Jones' daughter) said that WOODS had touched her inappropriately. WOODS then later learned that the warrant search turned up two firearms. Around 10 pm WOODS was booked into the Clark County Detention Center on charges of open and gross lewdness and ex-felon in possession of firearms.

ARGUMENT

Search and seizure law emanates from the Fourth Amendment and refers to the government's power to search individuals and their property. The Fourth Amendment provides that the government cannot unreasonably search or seize people or their property.

Search warrants designate a specific window of time during which the search must take place. Afterward, police must in a timely manner file a document with the court called a "search warrant return" that lists exactly what was seized. It is then the judge's responsibility to review the seizure to make sure that the police acted within the parameters of the warrant.

Not once is WOODS' cell phone even mentioned, from the time he is pulled over (4:45pm) until the time he is booked into CCDC (10:00pm), in the arresting officers' L. Reyes and T. Striegel's report. It is not mentioned in the items taken from WOODS after he is pulled over. It is not mentioned in the warrant application. It is not mentioned in the warrant. It is not mentioned in the "items to be sought" or the "items that were seized" (see Exhibit A) It is not even mentioned in the items taken from WOODS in the booking process.

Officer J. Blasko is not mentioned in officers' Reyes and Striegel's arrest report. He is not mentioned in the Search Warrant Declaration nor the search warrant. So how does officer Blasko come out of nowhere searching for a cell phone that no one else has even mentioned or are searching for? He is shown with a consent to search card authorized to search the vehicle by its owner looking for an item he says is from a warrant (150717-2118) that it doesn't exist on. (see Exhibit A) Officer Blasko is not mentioned as any part of the search or search warrant until Det. D. Shane's application for the same cell phone on August 6, 2015 (see Exhibit B) J. Blasko's appearance and actions are questionable and should be subject to further investigation.

On August 6, 2015 Det. D. Shane files a suspicious search warrant application and affidavit. Shane states that he files a search warrant of WOODS' cell phone on Aug. 6, 2015 to see if a crime had been committed on July 17, 2015. Shane states his warrant gets approved by Judge Sciscento on Aug. 7, 2015 after they "met" to review the warrant but Judge Sciscento's signature doesn't match the "signed" document. Shane also provides a document "showing" Judge Hafen approving his search warrant for firearms and buccal swabs for a warrant he never applied for on Aug. 9, 2015 (see exhibit C) Shane produces a "runaround" statement on Aug. 7, 2015 stating he left requested documents in WOODS' name to people not associated with WOODS' case. And on Aug. 20, 2015 he states that the "warrant" was returned to court and sent to records.

Shane provides no document of who he called on Aug. 6, 2015

1
2 to get the original warrant approved but says it was signed off
3 on Aug. 7, 2015 by Judge Sciscento. Shane never provides when the
4 search of Woods' hard drive takes place but states on Aug. 24, 2015
5 he received the Forensic Report that Det. Darr had completed. Three
6 pictures were said to have been discovered from 4/21/2015, 3/23/2015
7 and 3/9/2015 (count 4: 3/10/15 should not then exist) Shane never
8 provides a (10) day "search warrant return" that lists exactly what
9 was seized. Shane waited 21 days to "obtain" a warrant, an unreasonable
10 amount of time. (see exhibit B for forensic report statement)

11 All of the above aforementioned and the following make this
12 warrant/search/seizure invalid:

13
14 * Seizure was made pursuant to a warrant and affidavit which
15 did not particularly describe "the things to be seized" and
16 hence, involved the taking of property not authorized by the
17 United States Magistrate or the District Judge.

18
19 * The applicant failed to provide the magistrate/judge who
20 issued the warrant with sufficient evidence to establish
21 a nexus between the items sought and the place to be
22 searched, and consequently failed to meet the requirements
23 of the Fourth Amendment.

24
25 * With respect to Woods' reasonable expectation of privacy
26 and possessory interest of his cell phone and his hard drive,
27 it belonged to Woods and was in the car he was driving at
28 the time it was seized from him. Accordingly, he plainly had
29 a reasonable expectation of privacy in the cell phone, hard drive,
30 and its contents and a possessory interest in it which its
31 seizure deprived him of.

32 ///

33 ///

34 ///

1
2 * A seizure reasonable at its inception because based on
3 probable cause may become unreasonable as a result
4 of its duration U.S. v. Burgard, 675 F.3d 1029, 1032 (7th Cir 2011)

5
6 * The delay in obtaining a search warrant for cell phone
7 rendered its seizure unreasonable under the Fourth
8 Amendment, requiring all fruits of the searches of those
9 items to be suppressed.

10
11 "When officers fail to seek a search warrant, at some point
12 the delay becomes unreasonable and is actionable under the Fourth
13 Amendment." U.S. v. Mitchell, 565 F.3d 1347, 1350 (11th Cir 2009).

14 In Mitchell, the Eleventh Circuit considered a
15 considerably less extensive delay than that is present here in obtaining
16 a warrant for the search of a hard drive - 21 days - and held that,
17 under the circumstances of that case, the delay in obtaining a search
18 warrant was unreasonable, thus violating the Fourth Amendment and
19 requiring the suppression of the fruits of the search of the hard drive.

20 Here, there was a 21-day delay in obtaining the Aug. 7, 2015
21 warrant, which remained unexecuted, a 38-day delay until cell phone was
22 searched, and a 57-day delay until WOODS was actually charged with the
23 evidence found in the phone. WOODS had a strong possessory interest
24 in his cell phone and hard drive. They belonged to him, and he never
25 voluntarily relinquished his dominion and control over them, nor did he
26 ever consent to their seizure. On the other side of the balance, the
27 DEFENDANT knows of no conceivable reason which could justify a delay
28 of this magnitude.

29 NRS 199.210 states: A person who, upon any trial, hearing,
30 inquiry, investigation, or other proceeding authorized by law, offers or
31 procures to be offered in evidence, as genuine, any book, paper, document,
32 record or other instrument in writing, knowing the same to have been
33 forged or fraudulently altered, is guilty of a category D felony and
34 shall be punished as provided in NRS 193.130.

1
2 NRS 199.450 states, A peace officer who, in executing
3 a search warrant, shall willfully exceed his or her authority, or
4 exercise it with unnecessary severity, shall be deemed guilty
5 of a gross misdemeanor.

6 7 CONCLUSION 8

9 Det. Shane's warrant produces evidence of pictures
10 found in the cell phone's hard drive from dates 3/9/15,
11 3/23/15, and 4/21/15. No evidence is found from the 7/17-18/15
12 date that his warrant was issued for. So neither does what
13 he produces as evidence relate to the 7/17-18/15 allegations
14 and charges or the 8/5/15 allegations and charges.

15 Det. Shane does not follow the standard operating
16 procedure or protocol in his efforts to receive a valid
17 warrant nor in the warrant search.

18 Det. Shane's findings clearly fall under the "fruit of
19 the poisonous tree" doctrine.

20 So together with the invalid search warrant, un-
21 reasonable delay in obtaining warrant, attempts to mislead
22 and misconstrue evidence, reasonable expectation of privacy, no
23 consent to search cell phone, hard drive or its contents, nor
24 consent to its seizure, no voluntary relinquishing of dominion
25 and control over cell phone, and the fact that the cell phone
26 in question was never part of the original search and seizure
27 warrant on 7-17-15, the defense requests that this Honorable
28 Court grant this motion to suppress contents of search of cell phone.

29
30 DATED this 20th day of September, 2018

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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 U.S.C. 1746 and 18 U.S.C. 1621

DATED this 20th day of September, 2018

x Leonard Woods

Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

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EXHIBIT
A

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
SEARCH WARRANT DECLARATION
"PRINT"

"Click to Add/Edit Event# on ALL Pages"

Event #: 150717-2118

Reyes: Judge Hafen, for the record this line is being recorded. Do I have your permission to continue?

Judge Hafen: Yes.

Reyes: This is Officer L. Landon Reyes, P#13129 of the Northeast Area Command Patrol Division, and making application for a telephonic search warrant pursuant to N.R.S. 179.045. I am speaking to the Honorable Judge Hafen, the date is 07/17/2015, with the being approximately 2105 hours.

9:05 PM

Judge Hafen, can you please swear me in, my right hand is raised.

Judge Hafen: Can you swear to the facts and information, ah you're about to present are true and correct to your abilities, so help you God.

Reyes: I do.

Judge Hafen: Okay, please proceed.

Reyes: Your Honor my application is as follows:

I, Officer L. Reyes, P#13129 am a peace officer employed by the Las Vegas Metropolitan Police Department and have been so employed for 7 ½ years. I am currently assigned to the Northeast Area Command Patrol Division and I am presently investigating the Crimes of Prohibited Person Possession of a Firearm, which occurred at 3492 Pinon Peak and Pinon phonetically is Paul Ida Nora Ocean Nora, Peak, common spelling Drive, 89115, Las Vegas, Clark County, Nevada, on or about 1845 hours on the 17th day of July 2015.

6:45 PM

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

- #1- 3492 Pinon Peak Drive, 89115, Las Vegas, Clark County Nevada, further described as a single story, double wide residence, trailer, having a primary color of brown and an exterior of white, being predominately made of a wood exterior and a white color trim, with the numbers "3492" located on the west facing wall, affixed to the white trim in a vertical position. This search would include all

CONTINUATION

Event #: 150717-2118

rooms, storage areas and sheds, surrounding grounds, trash areas, garages and outbuildings assigned to or part of the above location.

#2- Leonard Ray Woods, ID# 1901705, presently in custody at Clark County Detention Center, 330 S. Casino Center Drive, Las Vegas Nevada 89101.

- A) Firearms and related items such as ammunition, holster and firearm cases, specifically to include a black pistol grip pump action shotgun and a small frame black semi-automatic handgun.
- B) Buccal swab samples for the presence of saliva taken from Leonard Ray Woods, ID#1901705, in a medically acceptable manner for further testing and analysis, specifically two cotton swabs from the cheek area inside the mouth.

Your affiant believes that the saliva buccal cell samples, sought to be obtain would, when submitted to laboratory analysis, disclose the presence of evidence; tending to demonstrate the criminal offense of prohibited person possession of a firearm, in violation of NRS 202.360, has been committed by the suspect from whom the samples will be drawing from.

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

4445 On July 17th, 2015 at approximately 1645 hours, your affiant made contact with the victim of an alleged sexual assault. During your affiant's preliminary investigation, your affiant developed probable cause for an arrest of Leonard Ray Woods, ID#1901705, correction 1901705. Your affiant requested another unit to conduct a knock and talk follow-up at 3492 Pinon Peak Drive, Las Vegas, Nevada 89115, to check and see if Leonard Ray Woods, ID#1901705, was at his place of residence.

Upon their arrival at the said residence, they observed a subject, matching the description of Leonard Ray Woods, ID#1901705, exit the aforementioned residence, then enter a black Chevrolet Suburban, bearing Nevada plate 512AYT, and drive southbound on Pinon Peak Drive

CONTINUATION

Event #: 150717-2118

Officers conducted a reasonable suspicion stop on the said vehicle, thus subsequently taking Leonard Ray Woods, ID#1901705, into custody and identifying him via a Nevada driver's license #2101892905.

Your affiant then made contact with the mother of the sexual assault victim. Her name is Josie Jones, ID#2665998, and she stated to your affiant, "now that Leonard is arrested, I need to tell you that he has guns inside of our house. He has a black handgun and a black pistol grip shotgun with the barrel sawed off. the guns are in his bedroom closet on the shelf, wrapped in a blue pillowcase with dark blue stripes."

ARRESTED
OBVIOUSLY
BEFORE 9:30 PM

Josie and Leonard do not share the same bedroom. They had dated for approximately 9 years and they have resided together the same. They recently moved to 3492 Pinon Peak Drive, Las Vegas, Nevada 89115, approximately 3 months ago.

Your affiant conducted an LVMPD records query on Leonard Ray Woods, ID#190175, which revealed he has felony convictions out of the State of California for Possession of Controlled Substance with Intent to Sell, convicted in 1990, Sale, Furnish Hash and Possession of Marijuana for Sell, including Felony Possession of Firearm, convicted in 1992 and Robbery, convicted in 1994.

Let this application for a Telephonic Warrant serve as a justification to recover any and all items of the crimes alleged, herein based on the previous facts and circumstances stated.

Upon taking Leonard Ray Woods, ID#1901705, into custody, he informed officers "there may or may not be a shotgun inside of my house."

Due to the fact that prohibited persons, such as ex-felons, cannot legally purchase or sell firearms to legitimate commerce, firearms, such as the above listed sought after items become extremely valuable possession to prohibited persons. Prohibited subjects then tend to keep these coveted firearms for long periods of time. They also tend to collect accessories to the firearms. Items such as holsters, cleaning kits, extra magazines, ammunitions and firearm parts are often found in the offenders property; that because of their prohibited status, offenders often keep these items close to them in their residence, specifically a closet, to prevent inadvertent

CONTINUATIONEvent #: 150717-2118

discovery. Due to the nature of the sought items, they would be extremely valuable in proving the State's case of Prohibited Persons in Possession of a Firearm.

During my professional training and experience, I have conducted an assisted numerous investigation involving firearms. During these investigations I have learned that suspects can leave DNA on items that they have touched while engaging in illegal activities.

Based upon the above described facts and circumstances, your affiant has probable cause to believe that Leonard Ray Woods, ID#1901705, DNA may be found on the evidence.

During your affiant's professional training and experience, your affiant has conducted and assisted in dozens of investigations involving firearms. During these investigations, your affiant has learned that suspects can and will leave DNA on the items that they touch while engaging in this illegal activity.

Also, your affiant knows that prohibited persons such as ex-felons, know not to possess firearms and a reasonable person would be that they would possess a firearm to engage in criminal activity. Your affiant is therefore seeking court authorization to obtain epithelial cells from the mouth of Leonard Ray Woods, ID#1901705, to be collected via a buccal swab in a medically acceptable manner for the further testing and analysis.

Furthermore the samples collected may be compared with any DNA samples that may be recovered from the processing of the firearms previously mentioned.

In my experience, it is possible although rare, that subjects of this search may refuse to cooperate in manners necessary to collect the biological evidence pursuant to this warrant. I therefore request that if necessary, your affiant and/or other police officers may use a minimum amount of force necessary to restrain the subjects and obtain the samples in the safest and most humane manner possible. I further request that the buccal swabbing recovered can be compared with any DNA samples that may be recovered from the processing from any firearms located during the search, specifically a black small framed handgun and a pistol grip black pump action shotgun.

CONTINUATION

Event #: 150717-2118**For the Nighttime Clause as follows:**

A suspect current, is currently in custody your honor, the premise is currently frozen and officers are on scene awaiting the approval of this search warrant to recover evidence of the crimes alleged herein. If, excuse me correction. For the above listed reasons, your affiant prays that this search warrant be authorized for service at any hour of the day or night.

Reyes: Judge Hafen, based on your, excuse me, based on the above details, do you find that probable cause exists for the issuance of this search warrant?

Judge : Yes.

Reyes: Your Honor, would you like me to read the duplicate original search warrant

Judge: No.

Reyes: And do you, do you authorize the nighttime search clause your Honor?

Judge : Yes.

Reyes: And there no, there's, it's not necessary for a seal. Judge, do I have your permission to sign your name to a second duplicate original so that one can be left at the scene?

Judge : Yes.

For the record, the Judge's name has been placed on the duplicate original search warrant with the time of approximately 2116 hours and the date of July 17th, 2015 being noted.

This application and signing of the warrant was witnessed by Officer T. Striegel, phonetically Sam Tom Robert Ida Easy George Easy Lincoln, P#15131. Thank you Your Honor and have a nice night.

Kimberly Lyons-Criss, P#6321 , Transcriptionist
I certify that this is a true and accurate transcription.

Dated this 17th day of July, 2015, at 2116 o'clock

Officer L. Reyes, Northeast Area Command Patrol Division

CONTINUATION

Event #: 150717-2118

"Having read the transcription of the telephonic search warrant issued by this Court on 07/17/2015, under Event Number 150717-2118 with Officer Landon Reyes, P#13129 of the LVMPD serving as Affiant and having reviewed the recording of the application, it appears the transcription is accurate."

Judge Hafen

150717-2118

Page 1 of 1

RETURN

(Must be made within 10 days of issuance of Warrant)

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):

3492 PINON PEAK DR

LAS VEGAS, NV 89115

was executed on JULY 17TH 2015
(month, day, year)

A copy of this inventory was left with AT PLACE OF SEARCH /
JOSE JONES
(name of person or "at the place of search")

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

- 1) MOSSBERG 500 A
Serial partial # 3515
BLK
- 2) COLT MK4
SERIAL# MU31277
- 3) AMMUNITION

This inventory was made by: T. STRIEGEL P# 15131
L. REYES 13129
(at least two officers including affiant if present. If person from whom property is taken is present include that person.)

150717-2118

DUPLICATE ORIGINAL SEARCH WARRANT
N.R.S. 179.045

STATE OF NEVADA }

ss. LEONARD RAY WOODS ID# 1901705
3442 PINON PEAK DRIVE
LVIN 89115

The State of Nevada, to any Peace Officer in the County of Clark. Proof having been made therefore me by Officer L. REYES PN 13129 by oral statement given under oath, that there is probable cause to believe that certain evidence, to wit:

- (A) MOSSBERG SODA BLACK PISTOL GRIP. Pump ACTION
SHOTGUN 12 GAUGE PARTIAL SH# 3515
- (B) COLT MK IV .380 SH# MUBIZ TT SEMI-AUTO HANDGUN
PLUS MAGAZINE
- (C) 61 ROUNDS .380 AMMUNITION
- ()
- (D) Limited items of personal property which would tend to establish a possessory interest in the items sought to be seized pursuant to this search warrant to include but not limited to: personal identification, photographs, utility receipts or addressed envelopes.

is presently located at 3442 PINON PEAK DRIVE

and as I am satisfied that there is probable cause to believe that said evidence is located as set forth above and upon the statement of Officer L. REYES there are sufficient grounds for the issuance of the Search Warrant.

You are hereby commanded to search said (premise/~~Vehicle~~) for said property, serving this warrant (at any hour of the day or night) (~~between 7am and 7pm~~) and if the property is there to seize it and leave a written inventory and make a return before me within ten (10) days.

Dated this 17 day of JULY, 2015, at 2200 hours.

(Print Judge's name) C. HAFEN

Signed by Officer L. REYES PN 13129 acting upon oral authorization of the

Judge C. HAFEN

Witnessed by Officer T. STRIEMEL PN 13129

Endorsed this 17 day of JULY, 2015.

JUDGE

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONSENT TO SEARCH CARD

Date: 07/17/2015

Event #: 150717 002118

I, Jesse Jones, 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 OPEN AND GROSS LEWDNESS AND FROTH/RED PERSON IN POSS. FIREARM do hereby voluntarily consent to a search of ~~Address~~/Description 2006 BLACK CHEVY BEARING NV512-AYT, VIN 1GNEC16Z56J138443 CHEV. SUBURBAN.

The following:

CELL PHONE AND FIREARMS

Signature: [Signature]

Witness: J. BLASKO 15065

EXHIBIT
B

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
ELECTRONIC STORAGE DEVICE
LVMPD Event Number: 150717-2118

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Detective DONALD SHANE, P# 6727, being first duly sworn, deposes and states that he is the affiant herein, and that he is a Police Officer with the Las Vegas Metropolitan Police Department, currently assigned to the Sexual Assault section, having been employed by the Department for 15 years.

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

Digital Storage Devices, Impounded under LVMPD Event Number 150717-2118, currently located in the LVMPD Evidence Vault, 3201 Technology Court, Las Vegas, Clark County, Nevada 89101, specifically:

LG BRAND CELL PHONE, SILVER IN COLOR WITH A TOUCH SCREEN INTERFACE

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

1. Digitally stored records of user and/or device created data, including Photos, Graphic Files or Videos and text messages, which may constitute evidence of LEONARD WOOD'S involvement in the planning or commission of the crime(s) of OPEN AND GROSS LEWDNESS between the dates of 07/17/15 and 07/18/15.
2. Digitally stored records of user and/or device created data, which would tend to establish the identity of persons who were in sole or joint control of the aforementioned digital storage devices.

Definitions:

Electronic Storage Device - A device which accepts an incoming stream of data and stores that data by using an electronic, optical, magnetic, mechanical, or other mechanism. This includes computers, hard disk drives, cell phones, portable audio

**APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
ELECTRONIC STORAGE DEVICE
LVMPD Event Number: 150717-2118**

devices, thumb drives, magnetic stripe scanners and reencoders, memory cards and any other device meeting the definition. The persistence of that data storage may or may not be dependent on a continuous supply of electricity.

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

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

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

The property hereinbefore described constitutes evidence which tends to demonstrate that the criminal offense(s) of OPEN AND GROSS LEWDNESS has (have) been committed.

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

On 07/17/15, Officer J. BLASKO, P# 15065 obtained the listed items through a LVMPD consent to search card granting authority to seize the below listed digital storage device(s), and executed the same under LVMPD Event Number 150717-2118... Pursuant to the aforementioned authorizing document, Officer BLASKO impounded the following digital storage devices:

1. LG BRAND CELL PHONE, SILVER IN COLOR WITH A TOUCH SCREEN INTERFACE.

These digital storage devices are currently in the custody of the LVMPD Evidence Vault located at 3201 Technology Court, Las Vegas, Clark County, Nevada 89101.

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
ELECTRONIC STORAGE DEVICE
LVMPD Event Number: 150717-2118

It is probable that digitally stored evidence related to the crime(s) of **OPEN AND GROSS LEWDNESS** will be found stored upon or within the aforementioned digital storage devices because:

On 07/17/15, Detective D. Shane #6727 (Affiant) was notified of an Open and Gross Lewdness call that was documented on an Incident Crime Report under Event # 150717-2118 by LVMPD Officers T. Striegel P# 15131 and Officer L. Reyes P# 13129. That on 07/17/2015 at approximately 1600 hours, Officer T. Striegel P# 15131 and Officer L. Reyes P# 13129 while operating as a marked patrol unit 3F3, was dispatched to a call for service reference an alleged child molestation upon a juvenile who was 15 years old; the incident occurred at approximately 13:15 hours on 07/17/2015 at the location of 3492 Pinon Peak Drive Las Vegas, NV 89115. Upon receiving the call, we were redirected to 3420 Hickey Ave. North Las Vegas, NV 89030 where we made contact with the victim, Divina Leal DOB 09/25/1999 and her mother the person reporting Josie Jones DOB 03/26/1974. Officers first made contact with Divina and she stated to them she had been touched inappropriately by her mother's boyfriend of 9 years who we later identified via a Nevada identification card as Leonard Ray Woods DOB 01/02/1969. Divina stated that Leonard ID# 1901705 approached her in the kitchen and accused her of taking nude pictures of herself while she was in her bedroom. When she denied that accusation, Leonard stated he had seen Divina through the blinds of her bedroom as he was outside of their residence peering in through Divina's bedroom window through the blinds; Leonard added he had taken a picture of Divina as she was taking pictures of herself. Divina continued by stating Leonard had threatened to lie to her mother, Josie, that Divina was taking nude pictures of herself in order to publish them on social media accounts. He then threatened Divina that she needed to allow him to see her bare breasts if she did not want him to tell her mother. Divina refused by maintaining her innocence and attempted to leave the kitchen. At that time Leonard walked up to her and confined Divina to the kitchen then wrapped his arms around and underneath Divina's arms from behind as if he was trying to hug her. As Leonard was hugging her from behind, he attempted to lift up her shirt, and proceeded to grab Divina's breasts with both of his hands. Divina stated she was not wearing a bra at the time when he grabbed her breasts. Divina slapped Leonard's hands away from her body, broke free of his grasp and ran into her bedroom. Leonard followed her and began to converse with her about what had previously occurred. Leonard offered Divina \$20.00 to keep the incident a secret with a promise of other special privileges not specified. Leonard entered the room and demanded that Divina take a picture of her bare breast and send the picture to his cell phone, telling her if she did not comply with his demands he would kill Divina, her mother and himself and burn their house down. Divina took a picture of her bare breast and sent the picture to Woods cell phone. Divina added after he received the picture of her bare breasts, Leonard stated "Those are pretty titties," he then allowed her to leave the residence. After being taken into custody by officers, Woods stated to officers "there may be pictures of Divina on my phone. Based on the statement made by the victim of her being forced to send Woods pictures of her bare breast and the statement made to officers by woods that "there may be pictures of Divina on my phone". Your affiant requested that a forensic technician, sworn or non-sworn, be granted authorization to examine the phone for evidence.

How? picture never received (downloaded [if Divina]) into phone

**APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
ELECTRONIC STORAGE DEVICE
LVMPD Event Number: 150717-2118**

Authority to Duplicate Electronic Media

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

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

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

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

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

Request for Off-Site Search Authorization

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

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

**APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
ELECTRONIC STORAGE DEVICE
LVMPD Event Number: 150717-2118**

- e) Because data stored on a computer can be destroyed or altered rather easily, either intentionally or accidentally, the search must be conducted carefully and in a secure environment.
- f) To prevent alteration of data and insure the integrity of the search, clones (master copies) of all data storage devices will be made. The clones (master copies) will then be searched and this process will take time and special equipment.

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

REQUEST FOR SEALING ORDER:

It is further requested that this affidavit should be sealed by the Order of the Court because of the following reasons:

Because this crime is part of an ongoing investigation which could be compromised should specific details be released. This affidavit contains names and identifiers of the victim and investigative lead information. Revealing these facts at this early stage in the investigation would make known confidential information and allow potential suspects to avoid detection

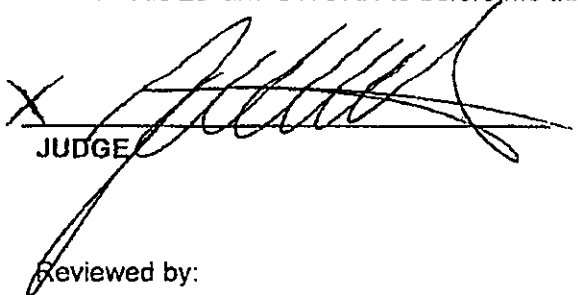
APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
ELECTRONIC STORAGE DEVICE
LVMPD Event Number: 150717-2118

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



AFFIANT DONALD SHANE

SUBSCRIBED and SWORN to before me this 06 day of August, 2015.



JUDGE

Reviewed by:

Shanon Clower

Deputy District Attorney

**SEARCH WARRANT
ELECTRONIC STORAGE DEVICE
LVMPD Event Number: 150717-2118**

STATE OF NEVADA)

) ss:

COUNTY OF CLARK)

The State of Nevada, to any Peace Officer in the County of Clark, proof by affidavit having been made before me by Detective D. Shane, P# 6727, said Affidavit attached hereto and incorporated herein by reference, that there is probable cause to believe that certain property, namely:

1. Digitally stored records of user and/or device created data, including Photos, Graphic Files or Videos, which may constitute evidence of LEONARD WOODS involvement in the planning or commission of the crime(s) of OPEN AND GROSS LEWDNESS between the dates of 07/17/15 and 07/18/15.
2. Digitally stored records of user and/or device created data, which would tend to establish the identity of persons who were in sole or joint control of the aforementioned digital storage devices.

Is presently located at or upon:

Digital Storage Devices, impounded under LVMPD Event# 150717-2118, currently located in the LVMPD Evidence Vault, 3201 Technology Court, Las Vegas, Clark County, Nevada 89101, specifically:

LG brand cell phone, silver in color with a touch screen interface.

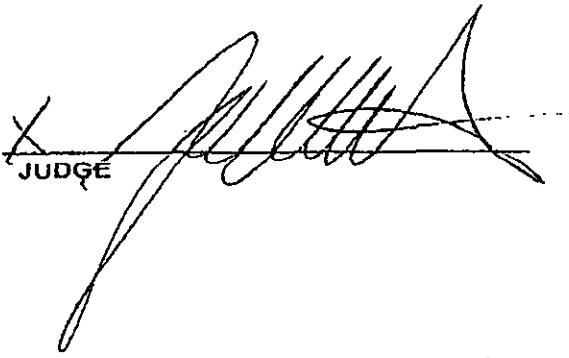
And as I am satisfied that there is probable cause to believe that said property is located as set forth above and that based upon the Affidavit attached hereto there are sufficient grounds for the issuance of the search warrant.

Further, upon good cause shown in the affidavit and the application for search warrant, the affidavit is ordered sealed and a copy of the affidavit need not be left with this search warrant, because this crime is part of an ongoing investigation which could be compromised should specific details be released. This affidavit contains names and identifiers of the victim and investigative lead information. Revealing these facts at this early stage in the investigation would make known confidential information and allow potential suspects to avoid detection.

SEARCH WARRANT
ELECTRONIC STORAGE DEVICE
LVMPD Event Number: 150717-2118

You are hereby commanded to search forthwith said premises for said property, serving this warrant between 7:00 a.m. and 7:00 p.m., and if the property is there to seize it, prepare a written inventory of the property seized, and make a return to me within ten (10) days.

DATED THIS 06 day of August, 2015.


JUDGE

IN RE: SEARCH WARRANT for)

Silver LG Cell Phone, belonging to Leonard)
Woods, DOB 01/02/1969)
_____))

ORDER SEALING
AFFIDAVIT

Upon the ex parte application of Officer's Name, a commissioned officer with the Las Vegas Metropolitan Police Department and Affiant, to seal the affidavit in support of the attached search warrant, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the affidavit in support of the attached search warrant be ordered sealed pending further order of this Court except that copies may be provided to the office of the Clark County District Attorney and the District Attorney may provide copies to a Defendant in a criminal proceeding as part of the criminal discovery process, and

IT IS FURTHER ORDERED a copy of this order sealing the affidavit be left at the premises along with the search warrant in lieu of the affidavit in support of the warrant.

DATED this 06 day of AUGUST, 2015



JUDGE



AFFIANT

STATE OF NEVADA }
 }
 } ss.

A) Firearms and related items such as ammunition, holster and firearm cases, specifically to include a black pistol grip pump action shotgun and a small frame black semi-automatic handgun.

B) Buccal swab samples for the presence of saliva taken from Leonard Ray Woods, ID#1901705, in a medically acceptable manner for further testing and analysis, specifically two cotton swabs from the cheek area inside the mouth.

As I am satisfied that there is probable cause to believe that said evidence is located as set forth above and based upon the statement of Officer L. Reyes, P#13129, there is sufficient ground for the issuance of the Search Warrant.

Dated August 9, 2015 at 2116 hours.

Signed by acting upon the oral authorization of Judge Hafen.

ENDORSED this _____ day of _____, _____

Day Month Year

351

EXHIBIT
C



Las Vegas Metropolitan Police
Department

Folder Note

Note Number:
Case Number: LLV150717002118
Creation Date/Time: 08/07/2015 9:21:51 PM
Author: 06727 - Shane, Donald G

Notes

Detectives completed A Electronic Storage Device Warrant on the silver LG cell phone that was collected by patrol with a consent to search card. Detectives contacted on call DA Shanon Clower, who reviewed and approved the warrant, at that time detectives contacted Judge Sciscento who agreed to meet detectives and review the warrant. After reviewing the warrant Judge Sciscento approved and signed the warrant.

* NEVER WAS A CONSENT CARD TO SEARCH WOODS' PHONE
CONSENT CARD WAS TO SEARCH VEHICLE

* WOODS NEVER CONSENTED TO A SEARCH OF HIS PHONE

* PHONE (CELL PHONE) WAS NEVER INCLUDED IN ORIGINAL SEARCH WARRANT

* NEVER WAS A WARRANT FROM JUDGE HAFEN TO SEIZE WOODS' CELL PHONE



Folder Note

Note Number:

Case Number:

LLV150717002118

Creation Date/Time:

07/18/2015 5:54:30 PM

Author:

06727 - Shane, Donald G

Notes

Patrol handled and 492d suspect. Detectives left a voice message with the victims mother requesting an interview.



Folder Note

Note Number:
Case Number: LLV150717002118
Creation Date/Time: 07/18/2015 5:54:30 PM
Author: 06727 - Shane, Donald G

Notes

Patrol handled and 492d suspect. Detectives left a voice message with the victims mother requesting an interview.



Arrest / Detective Report

Administrative

Location **4905 W TROPICANA AVE Las Vegas, NV 89103** Sector / Beat **S4**
Occurred On (Date / Time) **Wednesday 8/5/2015 8:20:00 PM** Or Between (Date / Time)
Reporting Officer **08644 - Embrey, Buddy M** Reported On **8/5/2015**
Entered By **08644 - Embrey, Buddy M** Entered On **8/10/2015 2:48:02 PM**
Supervisor **05293 - Sanford, Matthew W** Follow Up Pro Squad **RH 31** Follow Up
Jurisdiction **Clark County** Report Type Disposition **Arrest**
Route To: Related Cases
Connecting Reports

Assisting Officers:
06231 - Hamey, John E SGT
05113 - Miller, Terri L Detective
03969 - Long, Daniel R Detective
03836 - Wilson, Robert T Detective
06424 - Smith, Samuel T Detective
04934 - Grover, Bradley C Crime Scene Analyst
05221 - Fletcher, Shawn M Crime Scene Analyst
06556 - Smink, Jeffrey M Crime Scene Analyst

Offenses

Open Murder, E/DW(F)-NRS 200.010
Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence **Yes**
Entry Premises Entered Type Security
Weapons **Knife/Cutting Instrument (Icepick, Ax, Etc.)** Location Type **Parking Lot/Garage** Tools
Criminal Activities **None/Unknown**

Victims

Name: **Jones, Josie**

Victim Type **Individual** Written Statement **No** Can ID Suspect **No**
Victim of **50001 - Open Murder, E/DW(F)-NRS 200.010** Domestic Battery **Yes**
SSN [REDACTED] DOB [REDACTED] Age **41** Sex **Female** Race **White** Ethnicity **Not Hispanic or Latino**
Height **5' 0"** Weight **97** Hair Color **Brown** Eye Color **Brown**
Employer/School **self employed**
Occupation/Grade **Owner** Work Schedule
DLN DL State DL Country
Resident **Resident** Tourist Departure Date
Injury Injury Weapons

Addresses
Residence **3492 Pinon Peak Dr Las Vegas, NV 89115 Clark USA**

Phones
Cellular [REDACTED]

Email

Offender Relationships
A - Woods, Leonard Ray Victim Was Boyfriend/Girlfriend

Domestic Violence Information
Relationship to Suspect **Former Dating** Primary Aggressor Determined **Yes**
Former Co-Habitants
Intimate Relationship **Yes** Drug/Alcohol Involvement **Unknown**
Voluntary Statement **No**
Injury Severity **Severe** DV Information Provided **No**
Photos Taken **Lab Photographed Scene** Medical Attention **Hospital**

Notes:

Suspects

8/10/2015 3:13 PM

LLV150805003825

Page 1 of 3



Folder Note

Note Number:
Case Number: LLV150717002118
Creation Date/Time: 08/07/2015 9:30:11 PM
Author: 06727 - Shane, Donald G

Notes

The device was recovered by detectives from the Metro evidence vault and transported to Metro Headquarters building A. After completion of the search warrant, the CFL unit was notified and both the phone still packaged in the original evidence envelope and unopened and a copy of the search warrant were placed in the sexual assault evidence locker for pick up by the CFL unit. The phone is currently in CFL's possession.



Arrest / Detective Report

Administrative

Location **4905 W TROPICANA AVE Las Vegas, NV 89103** Sector / Beat **S4**
Occurred On (Date / Time) **Wednesday 8/5/2015 8:20:00 PM** Or Between (Date / Time)
Reporting Officer **08644 - Embrey, Buddy M** Reported On **8/5/2015**
Entered By **08644 - Embrey, Buddy M** Entered On **8/10/2015 2:49:02 PM**
Supervisor **05293 - Sanford, Matthew W** Follow Up Pro Squad **RH 31** Follow Up
Jurisdiction **Clark County** Report Type Disposition **Arrest**
Route To: Related Cases
Connecting Reports

Assisting Officers:
08231 - Hamey, John E SGT
05113 - Miller, Terri L Detective
03969 - Long, Daniel R Detective
03836 - Wilson, Robert T Detective
06424 - Smith, Samuel T Detective
04934 - Grover, Bradley C Crime Scene Analyst
05221 - Fletcher, Shawn M Crime Scene Analyst
06556 - Smink, Jeffrey M Crime Scene Analyst

Offenses

Open Murder, E/DW(F)-NRS 200.010
Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence **Yes**
Entry Premises Entered Type Security
Weapons **Knife/Cutting Instrument (Icelpick, Ax, Etc.)** Location Type **Parking Lot/Garage** Tools
Criminal Activities **None/Unknown**

Victims

Name: **Jones, Josie**

Victim Type **Individual** Written Statement **No** Can ID Suspect **No**
Victim of **50001 - Open Murder, E/DW(F)-NRS 200.010** Domestic Battery **Yes**
SSN **[REDACTED]** DOB **[REDACTED]** Age **41** Sex **Female** Race **White** Ethnicity **Not Hispanic or Latino**
Height **5' 0"** Weight **97** Hair Color **Brown** Eye Color **Brown**
Employer/School **self employed**
Occupation/Grade **Owner** Work Schedule
DLN DL Country
Resident **Resident** DL State Tourist Departure Date
Injury Injury Weapons

Addresses
Residence **3492 Pinon Peak Dr Las Vegas, NV 89115 Clark USA**

Phones
Cellular **[REDACTED]**

Email

Offender Relationships
A - **Woods, Leonard Ray** Victim Was Boyfriend/Girlfriend

Domestic Violence Information
Relationship to Suspect **Former Dating** Primary Aggressor Determined **Yes**
Former Co-Habitants
Intimate Relationship **Yes** Drug/Alcohol Involvement **Unknown**
Voluntary Statement **Severe** DV Information Provided **No**
Injury Severity **Lab Photographed Scene** Medical Attention **Hospital**
Photos Taken

Notes:

Suspects

8/10/2015 3:13 PM

LLV150805003825

Page 1 of 3



Folder Note

Note Number:

Case Number: LLV150717002118

Creation Date/Time: 08/07/2015 9:56:38 PM

Author: 06727 - Shane, Donald G

Notes

Detectives hand delivered the requested file to the RJC (Leonard Woods) and were told all the DA's had left for the day. I left the file with DA Reception Lest Jackie M who signed the above document as the receiving party. I called Chief Deputy Lynn Robinson's home phone and left a detailed message letting her know the file was delivered and in Jackie M's possession. I also left my desk and cell phone numbers on the recording in the event DA Robinson wished to contact me. The document was delivered on 8/7/15 @ 1700 HRS

Case Report Number:
LLV150717002118-001



Las Vegas Metropolitan Police
Department

Sex	Female	Resident	Resident
Race	White	POB	
Ethnicity	Not Hispanic or Latino	DLN	
DOB	[REDACTED]	DL State	
Age	16	DL Country	
Eye Color	Green	SSN	
Hair Color	Blond	Attire	
Facial Hair		Employer/School	
Complexion		Employer Address	
Height	5' 6"	Employer CSZ	
Weight	130	Occupation/Grade	

Notes

Friend of victim.

Properties

Case Report Number:
LLV150717002118-001



Las Vegas Metropolitan Police
Department

Sex	Female
Race	White
Ethnicity	Not Hispanic or Latino
DOB	[REDACTED]
Age	16
Eye Color	Green
Hair Color	Blond
Facial Hair	
Complexion	
Height	5' 6"
Weight	130

Resident	Resident
POB	
DLN	
DL State	
DL Country	
SSN	
Attire	
Employer/School	
Employer Address	
Employer CSZ	
Occupation/Grade	

Notes

Friend of victim.

Properties



Folder Note

Note Number:
Case Number: LLV150717002118
Creation Date/Time: 08/20/2015 2:38:35 PM
Author: 06727 - Shane, Donald G

Notes

Search warrant was returned to the court and a copy was sent to records.



Folder Note

Note Number:

Case Number: LLV150717002118

Creation Date/Time: 08/14/2015 3:49:50 PM

Author: 06727 - Shane, Donald G

Notes

Transcription of the victim interview is complete and the audio cd was impounded under this event number.



Folder Note

Note Number:
Case Number: LLV150717002118
Creation Date/Time: 08/14/2015 3:49:50 PM
Author: 06727 - Shane, Donald G

Notes

Transcription of the victim interview is complete and the audio cd was impounded under this event number.

SEP 26 2018

1 MTBOPFP

2 Leonard Woods, in Properia Persona

3 330 Casino Center Blvd (CCDC) Las Vegas, NV

4 Attorney-in-fact for DEFENDANT

BY

Kory Schlitz
KORY SCHLITZ, DEPUTY

6 EIGHTH JUDICIAL DISTRICT COURT
7 CLARK COUNTY, NEVADA

8
9 STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-304820-1
DEPT NO: 3

10 v.

11 LEONARD WOODS
DEFENDANT

HEARING DATE:
HEARING TIME:

13 MOTION TO DISMISS THE CHARGES OF
14 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED
15 PERSON

16
17 COMES NOW, the DEFENDANT, LEONARD WOODS, by and
18 through Leonard Woods Attorney-in-fact, Properia Persona,
19 respectfully requests this Honorable Court to grant this MOTION
20 TO DISMISS THE CHARGES OF OWNERSHIP OR POSSESSION OF FIREARM
21 BY PROHIBITED PERSON as a product of no evidence shown or
22 produced that DEFENDANT ever possessed the weapons, had DNA
23 or fingerprints come from the firearms, constructively possessed or
24 had dominion or control over the firearms with such certainty that
25 a rational trier of fact would have been convinced of defendant's
26 guilt beyond a reasonable doubt, nor was a proper chain of custody ever
27 established. DEFENDANT detained almost 5 hours before being mirandized.

28 This motion is made and based upon the any pleadings and
29 papers contained herein, the Declaration of Counsel attached hereto and any
30 oral argument of counsel at the time of the hearing for this matter, if desired by
31 this Honorable Court.

32
33 DATED this 23rd day of September 2018

x Leonard Woods
Leonard Woods, Properia Persona
Attorney-in-fact for DEFENDANT

FACTUAL ALLEGATIONS

On July 17, 2015 about 4:45 pm, WOODS was pulled over on a traffic stop by LVMPD officers L. Reyes and T. Striegel. After exiting the vehicle he was driving WOODS was told that a warrant had been issued to search the premises of one of his girl friends who lived at 3492 Pinon Peak Dr. and that he was to be detained until that warrant was secured. WOODS was asked if he knew if any guns were at that address to which WOODS replied "if there are I don't know nothing about them." About 9:30 pm, after being detained almost 5 hours, WOODS was told that he was being arrested for being an ex-felon in possession of firearms and open and gross lewdness. WOODS later learned that Josie Jones (girl friend) had told police that the guns in the residence she was staying in belonged to him and that Divina Leal (Jones' daughter) said that WOODS had touched her inappropriately. WOODS then later learned that the warrant search turned up two firearms. Around 10:00 pm WOODS was booked into the Clark County Detention Center on charges of open and gross lewdness and ex-felon in possession of firearms.

ARGUMENT

There has never been any evidence to show or prove WOODS ever resided, lived in, rented, owned, or had control over the residence at 3492 Pinon Peak Dr. as to indicate dominion and control over the firearms. WOODS admits he visited ~~REDACTED~~ his girl friend's place often.

Officer Reyes, after identifying WOODS from his current Nevada drivers license, never wrote in his report nor ever investigated the address shown on WOODS' license and where WOODS stated he resided at the time (see exhibit A) Nor has anyone then or since including Investigators, Public Defenders, D.A.'s, prosecutors, police officers, or detectives.

1
2 Possession means that one must have dominion and
3 control over the property. Being merely present at the location
4 or of mere access to property is not necessarily enough. One must
5 oneself have dominion and control over the property in order to
6 possess it. Roland v. State, No. 11608 Supreme Court of Nevada
7 96 Nev. 300; 608 P.2d 500 (1980)

8 The firearms were never on WOODS' person, in close
9 proximity to WOODS, or in the car WOODS was driving to indicate
10 possession of the firearms.

11 The accused has constructive possession only if he
12 maintains control of or a right to control the contraband Glispy v.
13 Sheriff, 89 Nev. 221, 223, 510 P.2d 623, 624 (1973)

14 An unnamed defendant does not have constructive possession
15 or control over a weapon unless the state proves he had the ability
16 to control the weapon necessary for a constructive possession analysis.
17 Brooks v. State, 124 Nev. 203, 180 P.3d 657 (2008)

18 There was never any fingerprints or DNA of WOODS
19 found from the firearms to show that WOODS had ever
20 constructively possessed the firearms. There was also no proper
21 chain of custody ever established.

22 Evidence has to show defendant possessed or exercised
23 dominion and control over the firearm in question, with such
24 certainty that a national trier of fact would be convinced of
25 defendant's guilt beyond reasonable doubt. Wilkins v. State, 96
26 Nev. 367, 609 P.2d 309 (1980)

27 To establish chain of custody and competent identification
28 of evidence, Nevada law requires reasonable showing that sub-
29 stitution, alteration, or tampering of the evidence did not occur;
30 and that the offered evidence is the same, or reasonably similar
31 to the substance seized.

32 WOODS was detained for almost 5 hours before a
33 Miranda warning was issued.

34 The Fifth Amendment provides certain procedural safeguards

1
2 police must follow to question an individual once they
3 have restricted that individual's liberty. Miranda v. Arizona
4 384 U.S. 436, 444 (1966)

5 6 CONCLUSION

7
8 Because there has never been any evidence or proof that
9 DEFENDANT lived at 3492 Pinon Peak Dr. and evidence that he
10 indeed resided at 172 Montello Ave at the time of the allegation. The
11 fact that there has also been no evidence shown or produced that the
12 DEFENDANT ever possessed, had constructive possession, dominion and
13 control, or the ability to control the firearms. No chain of custody ever
14 being established. The DEFENDANT being detained for up to 5 hours
15 without adequate and sufficient miranda warnings. Together with the
16 fact that none of the DEFENDANT'S DNA or fingerprints were ever
17 found on these firearms, the defense requests this Honorable Court to
18 dismiss the charges of ownership or possession of firearm by
19 prohibited person.

20
21 DATED this 23rd day of September, 2018

22 //

23 //

24 //

25 //

26 //

27 //

28 //

29 //

30 //

31 //

32 //

33 //

34 //

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 questions 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 Mex. Rev. Stat. 171.102 and Mex. Rev. Stat. 208.165 see 28 U.S.C. 1746 and 18 U.S.C. 1621

DATED this 23rd day of September, 2018

X Leonard Woods

Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

///

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NEVADA USA NV
NOT FOR FEDERAL OFFICIAL USE
DRIVER LICENSE

1 WOODS
2 LEONARD RAY
6 172 MONTELLO AVE
LAS VEGAS, NV 89110-4759

15 Sex M 16 Hgt 5'08" 17 Wgt 170 18 Eyes BRO
9 Class C 9a Fnd NONE 19 Htn BLK 4a Iss 02/05/2015
12 Restr NONE 5 DD 000120479100487948295

4a DL NO. 2101892905
3 DOB 01/02/1969
4b Exp 01/02/2023

d. Woods

EXHIBIT
A

SEP 26 2018

Kory Schlit
KORY SCHLITZ, DEPUTY

1 MTSA

2 Leonard Woods, in Properia Persona

3 330 Casino Center Blvd (CCDC) Las Vegas, NV 89101 BY

4 Attorney-in-fact for DEFENDANT

5 EIGHTH JUDICIAL DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-309820-1

DEPT. No: 3

8 v.

9 LEONARD WOODS

HEARING DATE:

DEFENDANT

HEARING TIME:

11 MOTION TO SUPPRESS ARREST

13 COMES NOW, the DEFENDANT, LEONARD WOODS by and
14 through Leonard Woods Attorney-in-fact, Properia Persona, respectfully
15 requests this Honorable Court to grant this MOTION TO SUPPRESS ARREST
16 as a product of illegal detainment violating the Fourth and Fifth Amendments,
17 no probable cause or reasonable suspicion objectively existed, and insufficient
18 Miranda warnings. The defense also requests that any and all statements,
19 recordings, phone calls, etc., be suppressed from this illegal arrest/detainment
20 made on August 5-6, 2015.

21 This motion is made and based upon the any pleadings and papers contained
22 herein, the Declaration of Counsel attached hereto and any oral argument of counsel
23 at the time of the hearing for this matter, if desired by this Honorable Court.

25 DATED this 14th day of September, 2018

x Leonard Woods

26 C-15-309820-1
MSPR
27 Motion to Suppress
4782920



Leonard Woods, Properia Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

FACTUAL ALLEGATIONS

On the night / morning of Aug. 5-6, 2015 the DEFENDANT LEONARD WOODS was stopped by LVMPD officer V. Haynes. Haynes asked WOODS in form of a question "don't I know you?" WOODS replied by stating "yes, I know you, you arrested me falsely a couple of years ago" Haynes then went to his patrol unit and "ran" WOODS' name. He came back and told WOODS to put his hands behind his back and handcuffed him saying that WOODS was wanted for an incident that happened on Tropicana. When Haynes tried to question WOODS about the incident, WOODS stated he did not want to talk and asked for a lawyer. 30 to 40 minutes later Det. B. Embry pulled up and tried to question WOODS. WOODS again stated that he did not want to talk in which Embry replied "too bad, you're going to talk to me anyway." Haynes then put WOODS, against his will, into the back seat of his patrol unit with officer T. Swartz driving. WOODS was taken to an interrogation room where he was stripped naked and subjected to various tests of his skin, mouth, body, and clothing (to which no evidence to this present day has come from) afterward WOODS was improperly Mirandized, questioned at length and interrogized further, then taken to the Clark County Detention Center.

ARGUMENT

Both the Fourth Amendment of the United States Constitution and Article I, Section 18 of the Nevada Constitution provide citizens with a right "to be secure in their persons, houses, papers and effects against unreasonable seizures and searches." The law is clear that a person has been "seized" for purposes of the Fourth Amendment if, in view of all circumstances surrounding the incident, a reasonable person would believe that he is not free to leave. United States v.

1
2 Mendenhall, 466 U.S. 544 (1980). When a search or seizure violates the
3 protections of the Fourth Amendment, the proper remedy is to deny the
4 Prosecution the use of the illegally seized evidence and any other
5 evidence located as a result of the search pursuant to the "fruit of the
6 poisonous tree" doctrine. Wong Sun v. United States, 371 U.S. 471 (1963)

7 Officer Haynes lacked reasonable suspicion to "stop and seize"
8 WOODS. By his own admission, Haynes was not aware a murder had occurred before
9 accosting WOODS. "Officers may detain a person for investigatory purpose if
10 they have reasonable suspicion." U.S. v. Thompson, 282 F.3d 673, 678 (9th Cir. 2002)
11 Reasonable suspicion is not a stringent standard, but it does require something
12 more than a police officer's "hunch". A law enforcement officer has a reasonable
13 suspicion justifying an investigative stop if there are specific, articulable facts
14 supporting an inference of criminal activity.

15 Officer Haynes states WOODS approached him saying the police are
16 looking for him for an incident occurring on Tropicana. WOODS disputes this
17 claim and has requested on numerous occasions for body camera and dash camera
18 footage to support his dispute. Haynes waited over two years to finally respond
19 to WOODS' requests then stated that he wasn't wearing a body cam that night
20 nor did he have his dash cam on. By not providing this exculpatory evidence for
21 WOODS, Haynes conveniently shifts the burden of proof to WOODS but also has no evidence
22 to back his claim that WOODS approached him first. (Body cameras should have been
23 worn by officers since August 28, 2014 as per general ^{order} by LVMPD sheriff Douglas
24 Gillespie directive number G0-009-14 Supp. No. 2) Not only does Haynes manufacture
25 his probable cause by making the false statement that WOODS approached him first,
26 Haynes had on a previous occasion (Nov. 30, 2012 with another officer(s)) manufactured
27 a probable cause when he arrested WOODS for "jaywalking" but by the time
28 WOODS was transported to the Clark County Detention Center, his

1
2 charge had changed to a fugitive warrant out of California. WOODS was
3 released 17 days later when it was discovered that WOODS had no
4 warrant for his arrest from California. This particular stop was 3 blocks
5 (9th and Stewart) away from the Aug. 5-6 (6th and Ogden) stop. WOODS believes
6 he was stopped because Haynes recognized him from the previous arrest.
7 "Simply stopping someone to identify them is a seizure subject to the require-
8 ments of the Fourth Amendment" Brown v. U.S. at 50

9 Without reading WOODS his Miranda rights, before or after, Haynes
10 handcuffed WOODS and began to question him. WOODS then stated that he did
11 not wish to talk to Haynes and requested a lawyer. WOODS request was denied
12 and he was detained 30 to 40 minutes more before Det. B. Embry pulled up in
13 his car. Embry got out and began to question WOODS. WOODS told Embry that
14 he didn't want to talk to him either in which Embry replied "too bad, you're
15 going to talk to me any way" Haynes then put WOODS in the back of his
16 patrol unit (with officer Swartz behind the wheel) against his will and was
17 transported to an interrogation room following the car Embry was driving.

18 "The Fifth Amendment provides certain procedural safeguards
19 police must follow to question an individual once they have restricted that
20 individual's liberty". Miranda v. Arizona, 384 U.S. 436, 444 (1966) First,
21 prior to questioning an individual, the police must adequately apprise
22 the individual of his Fifth Amendment rights Id. Second, should the individual
23 inform the police he does not wish to speak to police, the police must stop interrogating
24 him. Id. at 445. Finally, if the individual informs the police he wishes to
25 speak to counsel, all questioning must stop until the individual is permitted to
26 confer with his counsel. Id. at 444-5. Should the police fail to follow these
27 procedural safeguards, the prosecution is not allowed to use the individual's
28 statements against them. Id. at 444.

1
2 Upon reaching the interrogation room, WOODS was stripped naked and subjected
3 to various tests of and on his skin, mouth, body, and clothing (to which no
4 evidence to this present day has come from) afterwards, he was improperly and
5 insufficiently mirandized by Det. Embry when Embry failed to notify WOODS
6 that he could have then had his counsel present before questioning/interrogation began.

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

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

15 Here, LVMPD violated all of the procedural safeguards during WOODS'
16 illegal detainment, arrest, and interrogation. LVMPD failed to adequately apprise
17 WOODS of his Fifth Amendment rights, failed to stop questioning when WOODS
18 invoked his right to remain silent, and failed to cease questioning when WOODS
19 invoked his right to counsel.

20 A valid waiver of a defendant's miranda rights requires that the suspect be
21 ~~fully~~ informed both that (1) he has the right to have counsel present during questioning,
22 and (2) that he has the right to consult with counsel before that questioning. "In order to
23 be valid, a Miranda warning must convey clearly to the arrested party that he..... possesses
24 the right to have an attorney present prior to and during questioning." United States v. San
25 Juan-Cruz, 314 F.3d 384, 388 (9th Cir. 2002)

26 CONCLUSION

27 The DEFENDANT, LEONARD WOODS, was illegally seized and
28 detained by Las Vegas Metropolitan Police Officers in violation of

1
2 both the Nevada Constitution and the United States Constitution,
3 Las Vegas Metropolitan Police Officers also failed to adequately apprise
4 Mr. WOODS of his Fifth Amendment rights prior to his custodial
5 interrogation; thus, all evidence obtained subsequent to this seizure is
6 inadmissible as "fruit of the poisonous tree" and [REDACTED] must be
7 suppressed. Therefore, the defense requests that this Honorable Court
8 grant this motion to suppress this arrest.
9

10 DATED this 14th day of September 2018
11

12 DECLARATION UNDER PENALTY OF PERJURY
13

14 I, the undersigned, do hereby acknowledge that I executed the above
15 and/or foregoing of my own free will and that I am of sound mind to do
16 so. I understand that a false statement or answer to any question in this
17 declaration will subject me to penalties of perjury.

18 I declare under penalty of perjury under the laws of the United
19 States of America, that the above information is accurate, correct, and
20 true to the best of my knowledge executed within the terms of Nev.
21 Rev. Stat. 171.102 and Nev. Rev. Stat. 208.165 see 28 U.S.C 1746 and 18 U.S.C. 1621
22

23 DATED this 14th day of September, 2018

24 x Leonard Woods

25 Leonard Woods, Propria Persona

26 Attorney-in-fact for DEFENDANT

27 Third Party Intervenor

28 ///

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 150805-3825

At 23:56:49 Woods entered the casino and walked to the restroom where he enters. A short time later he exited and walked toward the casino exit

At 23:59:00, Woods exited the casino and walked down the sidewalk toward a Taxi Cab Authority Officer



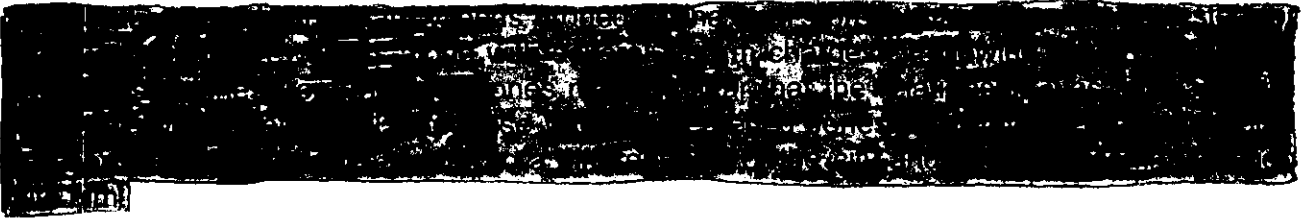
On August 24, 2015, Detective Embrey received the Forensic Report for Woods' cellular phone that Detective Darr had examined. There were three (3) pictures that appeared to be taken through a window and screen showing Divina Leal in what appeared to be a bathroom. Leal was in various stages of undress. The dates on the pictures were 04/21/2015 @ 21:14:00 PDT, 03/23/2015 @ 18:57:00 PDT, and 03/09/2015 @ 20:59:00 PDT.

Also recovered from the phone was a multimedia message received on 07/17 @ 10:14 AM from Divina. This multimedia message confirms Divina's statement that she sent a topless picture to Woods, however the message was never downloaded.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 150805-3825

7. CONCLUSION:

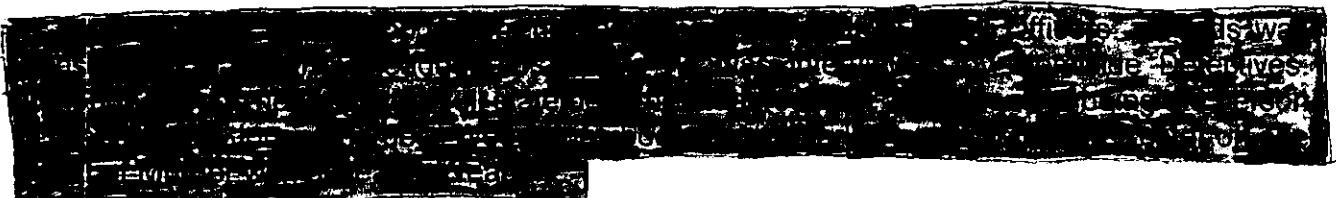


On July 20, 2015, Woods was released from jail due to the District Attorney requesting further information for the Open and Gross Lewdness criminal case.

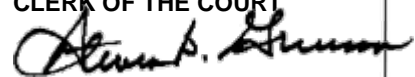
On August 5, 2015, Woods followed Jones and Divina to the Walgreens store located at 4905 West Tropicana Avenue, Las Vegas, Nevada 89103. Jones and Divina went into the store and purchased several items. While they were in the store, Woods waited approximately five (5) minutes for them to exit.

As Jones approached the door to her vehicle, Woods rushed her and began to stab her multiple times. Divina ran back into the store asking for people to call 9-1-1, that her mother was being stabbed. Following the attack, Woods drove away to an unknown location.

LVMPD Patrol Officers and medical personnel arrived. Jones was transported to UMC Trauma where she was pronounced dead.



The State's failure to preserve or collect potentially exculpatory evidence may result in dismissal of the charges if the defendant can show bad faith or connivance on the part of the government or that ~~that~~ he was prejudiced by the loss of the evidence



OPPS
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS ARREST

DATE OF HEARING: 10/10/2018
TIME OF HEARING: 9:30 AM

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

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

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1 POINTS AND AUTHORITIES

2 ARGUMENT

3
4 **I. Defendant's Statements to Officers Swartz and Haynes are Admissible**
5 **Because the Defendant Was not in Custody at the Time he made the**
6 **Statements**

7 Defendant made statements at two distinct moments on the evening of August 6, 2015.
8 First, shortly after midnight, Defendant approached LVMPD Officer Haynes while Haynes
9 and fellow LVMPD Officer Swartz were on a traffic stop in downtown Las Vegas. According
10 to Haynes, Defendant told him that he "need[ed] to talk." See State's Exhibit 1. He informed
11 the officer that "he was involved in an incident" in the Walgreen's parking lot at Tropicana
12 and Decatur and that he "thinks he's wanted." Defendant then said something to the effect
13 that "he didn't want to say anything else 'cause he didn't want to get.... into trouble..." After,
14 Officer Haynes told Officer Swartz about Defendant's statements. Officer Swartz reviewed
15 Defendant's criminal record in his police car. Swartz immediately suspected that Defendant
16 was involved in the murder at the Walgreen's several hours before. Swartz then exited his
17 vehicle, detained Defendant by placing him handcuffs, and notified the primary officers
18 investigating the murder.

19 These statements to Officers Haynes and Swartz are admissible because Defendant was
20 not subject to custodial interrogation at the time he made the statements. For purposes of the
21 Fifth Amendment, custody is defined as formally placing a person under arrest or "where there
22 has been such a restriction on a person's freedom as to render him in custody." Oregon v.
23 Mathiason, 97 S.Ct. 711 (1977). "Custody" for purposes of the 5th Amendment is distinct
24 from "seizure" under the 4th Amendment. Pennsylvania v. Bruder, 488 U.S. 9, 109 S.Ct. 205
25 (1988). In State v. Taylor, 114 Nev. 1071, 968 P.2d 315 (1998), the Court made it clear that
26 in Nevada the definitions of "seizure" and "in custody" for purposes of Miranda are not the
27 same as those terms have been defined for Fourth Amendment Purposes. For example, a
28 person can be seized pursuant to a traffic stop, a Terry stop or for pat-down purposes but this
does not necessarily render a person "in custody" per Miranda.

1 In Nevada, "custody" (other than a formal arrest) was defined in Alward v. State, 112
2 Nev. 141, 912 P.2d 243 (1996) overruled on other grounds by Rosky v. State, 121 Nev. 184,
3 111 P.3d 690 (2005)). In Alward, the Nevada Supreme Court stated if a reasonable person in
4 the suspect's position would have understood he/she was free to leave, then they are not in
5 custody. See also Berkemer v. McCarty, 468 U.S. 420, 104 S.Ct. 3138 (1984). The court went
6 on to state that in such instances important factors would include the following: "(1) the site
7 of the interrogation; (2) whether the investigation has focused on the subject; (3) whether the
8 objective indicia of arrest are present; and (4) the length and form of questioning." No one
9 factor is controlling.

10 Here, Defendant voluntarily approached Officers Haynes and Swartz on the street and
11 made statements to them. At no point prior to the statements was Defendant placed in
12 handcuffs or ordered not to leave. Instead, the officers attempted to verify Defendant's
13 identity and corroborate his statements before placing him in handcuffs and taking any further
14 action to prevent Defendant from leaving. Consequently, nothing he said to Officers Haynes
15 and Swartz should be suppressed.

16 Beyond asking that his statements be suppressed, Defendant fails to articulate a
17 cognizable form of relief in asking that his arrest be suppressed. The State is unclear as to
18 what Defendant is seeking and thus, asks that the motion be DENIED.

19 CONCLUSION

20 Based upon the fact that Defendant was not in custody, his statements are admissible
21 and the motion must be DENIED.

22 DATED this 1st day of October, 2018.

23 Respectfully submitted,

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

26 BY /s/ Michelle Fleck
27 MICHELLE FLECK
28 Chief Deputy District Attorney
Nevada Bar #010040

///

Certificate of Service

I, Stephanie Johnson, certify that on the 1st day of October, 2018, I mailed a copy of the above and foregoing to Leonard Woods #1901705 at the Clark County Detention Center located at 330 Casino Center Blvd, Las Vegas, NV 89101, for his review.

BY: /s/ Stephanie Johnson
Employee of the District Attorney's Office

15F11579X/MF/saj/MVU

EXHIBIT 1

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

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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

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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?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

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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

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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

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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

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

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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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

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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

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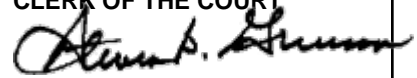
EVENT #:150805-3825

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



OPPS

STEVEN B. WOLFSON
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY

DATE OF HEARING: 10/10/2018
TIME OF HEARING: 9:30 AM

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

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

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1 **POINTS AND AUTHORITIES**

2 **ARGUMENT**

3 Defendant requests that “any and all property, accounts, trusts, bonds, monies, or
4 profits” made in his name be returned to him immediately. The State admits confusion as to
5 what Defendant is requesting. As Defendant fails to state a cognizable request, the State asks
6 that this portion of Defendant’s motion be denied.

7 Defendant also asks that a complete copy of the case file be provided to him by the
8 State and his prior attorney. To date, the State has complied with all rules of discovery and
9 has disseminated all materials to Defendant’s prior attorney, Julia Murray of the Public
10 Defender’s Office.

11 At this time, the State formally asks that Defendant abide by all rules of reciprocal
12 discovery pursuant to NRS 174.245 and NRS 174.234.

13 **CONCLUSION**

14 The State has complied with all rules of discovery; thus, Defendant’s motion is MOOT.

15
16 DATED this _____ 1st _____ day of October, 2018.

17 Respectfully submitted,

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

20
21 BY /s/ Michelle Fleck
22 MICHELLE FLECK
23 Chief Deputy District Attorney
24 Nevada Bar #010040
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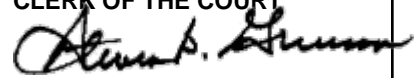
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Certificate of Service

I, Stephanie Johnson, certify that on the 1st day of October, 2018, I mailed a copy of the above and foregoing to Leonard Woods #1901705 at the Clark County Detention Center located at 330 Casino Center Blvd, Las Vegas, NV 89101, for his review.

BY: /s/ Stephanie Johnson
Employee of the District Attorney's Office



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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS THE
CHARGES OF OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED
PERSON**

DATE OF HEARING: 10/10/2018
TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHELLE FLECK, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion to Dismiss the Charges of Ownership or Possession of Firearm by Prohibited Person.

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

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1 **POINTS AND AUTHORITIES**

2 **ARGUMENT**

3 Defendant asks this Court to dismiss Counts 9 and 10 of the Information – Ownership
4 or Possession of Firearm by Prohibited Person – based upon his claim that there has never
5 been any evidence or proof that he resided at 3492 Pinon Peak Drive, the residence in which
6 the guns were found. Defendant erroneously believes this to be a material element of Counts
7 9 and 10. While establishing custody or control of the weapons is an element, the fact that
8 Defendant may or may not have resided at the apartment where the guns were found, is not.
9 That being said, when Woods was taken into custody for the crime of Open and Gross
10 Lewdness, he informed the arresting officers that “there may or may not be a shotgun inside
11 of my house.” Defendant admits in his own motion that he did visit the address often.
12 Additionally, before Defendant was arrested on the lewdness and ex-felon in possession
13 charges, Defendant’s girlfriend, Josie Jones, told the police that he stayed with her in the
14 apartment and that he kept firearms and ammunition at the property. Upon search of the
15 apartment, officer’s found the guns and ammunition that both the Defendant and Jones had
16 referred to. Additionally, officer’s found a Southwest Gas bill in Defendant’s name (albeit
17 with a different address), a photograph of Defendant, and various items of male clothing.
18 Defendant was arrested and taken to the Clark County Detention Center. While in custody,
19 he had a conversation with Jones on the recorded CCDC line. She told him that she was
20 moving out (of their apartment) and that the relationship was over. Once Jones moved out of
21 Pinion Pine, Dorie Henley moved in. Henley told police that she was home one evening when
22 a BMA came looking for Jones. Henley told the man that Jones was not there, but that a
23 number of his possessions had been left for him at the property when Jones moved out. Henley
24 watched as Defendant searched the bags of his property.

25 It is the State’s burden at trial to prove beyond a reasonable doubt every material
26 element of the crimes charged and that the defendant is the person who committed the offense.
27 Clearly the State cannot rely on the testimony of Jones to establish that Defendant at times
28 resided at Pinion Pine and moreover, kept his firearms at her address. As such, the State will

1 have to rely on other witnesses and evidence to prove the essential elements of custody or
2 control required in Counts 9 and 10 of the Information. Moreover, if the State cannot establish
3 these elements, the jury verdict will certainly reflect that. There is no basis however, for this
4 Court to dismiss Counts 9 and 10, as there was probable cause to arrest Defendant and proceed
5 to trial.

6 **CONCLUSION**

7 Based upon the fact that Defendant has failed to state any valid basis for his request,
8 the State asks that the Motion to Dismiss the Charges of Ownership or Possession of Firearm
9 by Prohibited Person be DENIED.

10
11 DATED this 1st day of October, 2018.

12 Respectfully submitted,

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

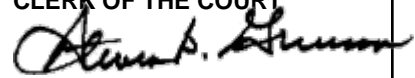
15 BY /s/ Michelle Fleck
16 MICHELLE FLECK
17 Chief Deputy District Attorney
Nevada Bar #010040

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25 BY: /s/ Stephanie Johnson
26 Employee of the District Attorney's Office
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

-vs-

LEONARD WOODS, #1901705
Defendant.

CASE NO: C-15-309820-1
DEPT NO: III

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SEVER

DATE OF HEARING: 10/10/2018
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through MICHELLE N. FLECK, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Opposition to Motion to Sever.

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

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

2 On August 5, 2015, at approximately 8:20 P.M., Defendant brutally murdered his ex-
3 girlfriend, Josie Jones, by stabbing her multiple times while in a Walgreens parking lot located
4 at the intersection of Tropicana and Decatur. As she lay dying, Defendant stood over her and
5 said, "I said I would get you bitch, I got you, you fucking bitch." He was also heard saying,
6 "Fuck you bitch, I told you I would find you!" Defendant subsequently fled the scene in a
7 vehicle. Josie's fifteen year-old daughter, D.L., witnessed the attack and identified Defendant
8 as her mother's killer.

9 Subsequent to the murder, Crime Scene Analysts from the Las Vegas Metropolitan
10 Police Department processed the scene. CSA Fletcher took digital images of the scene, to
11 include the victim's purse. While processing the purse, a business card in the name of LVMPD
12 Detective D. Shane, with Event #150717-2118 was found. Detective Shane was a Special
13 Victim's Unit detective at the time.

14 Later that evening, LVMPD Homicide Detective Rob Wilson, obtained a recorded
15 statement from Christina Delpino. Delpino relayed to Detective Wilson that the victim's ex-
16 boyfriend, Leonard Woods, hereinafter "Defendant", had molested her daughter D.L. and that
17 photos of D.L.'s breasts had been found in Defendant's phone. Delpino said that Defendant
18 had been arrested for Open and Gross Lewdness and had been in custody for 4 days. Delpino
19 said that during those 4 days, Josie Jones had moved out of the house she shared with
20 Defendant. Delpino also said that once Defendant was released from custody, he was actively
21 looking for Josie.

22 On August 6, 2015, LVMPD Detective Buddy Embrey researched event #150171-
23 2118, where D.L. was a victim of Open and Gross Lewdness. There, D.L. reported that
24 Defendant had accused her of taking nude photos of herself. When she denied Defendant's
25 accusation, Defendant said he would tell her mom, Josie Jones, that she was taking the photos.
26 D.L. began to walk away from Defendant when he wrapped his arms around her, lifted up her
27

1 shirt and proceeded to grab her bare breasts with both of his hands. D.L. eventually broke free
2 and ran to her room. Defendant came to her room and offered her \$20.00 and special privileges
3 to keep quiet about what he had done. He also demanded that she take a photo of her bare
4 breasts and send it to him. He said that if she didn't do as he said, he would kill her and her
5 mom, would burn the house down and would then kill himself. D.L. reported that she then
6 took the photo and sent it to Defendant's phone. During the course of that interview, D.L. also
7 said that Defendant repeatedly threatened her mother, saying that if she ever left him he would
8 kill her.

9 On August 7, 2015, Detective Embry listened to a phone call from Defendant to Josie
10 Jones which was placed from the Clark County Detention Center. In that call, Defendant
11 repeatedly denied the allegations and said D.L. was lying. Jones made it perfectly clear that
12 she believed her daughter's accusations. She said that she had moved out and never wanted
13 to speak to Defendant again.

14 A subsequent forensic analysis of Defendant's cellular telephone revealed 3 photos that
15 appeared to be taken through a window screen showing D.L. in her bathroom in various stages
16 of undress. The photos were dated 4/21/2015 at 21:14, 3/23/2015 at 18:57 and 3/9/2015 at
17 20:59.

18 On September 12, 2018, Defendant filed a Motion to Sever Charges. The State's
19 Opposition follows.

20 **LEGAL ARGUMENT**

21 **I. SEVERANCE IS NOT WARRANTED IN THE INSTANT CASE BECAUSE** 22 **THE CHARGES AGAINST DEFENDANT ARE PROPERLY JOINED**

23 Severance is not required in the instant case because the charges against Defendant are
24 based on two or more acts connected together. NRS 173.115 provides that:

25 Two or more offenses may be charged in the same indictment or
26 information in a separate count for each offense if the offenses
charged, whether felonies or misdemeanors or both, are:

27 1. Based on the same act or transaction; or

1 **2. Based on two or more acts or transactions connected**
2 **together or constituting parts of a common scheme or plan.**
3 (Emphasis Added)

4 Likewise, the Nevada legislature enacted NRS 174.155 in order to join such similar
5 charges by providing that:

6 The court may order two or more indictments or informations or
7 both to be tried together if the offenses, and the defendants, if there
8 is more than one, could have been joined in a single indictment or
9 information. The procedure shall be the same as if the prosecution
10 were under such single indictment or information.

11 It is important to note that both NRS 174.155 and NRS 173.115 use the words “may
12 order.” By use of the word “may,” it is obvious that the legislature had intended to give the
13 Court broad discretion in applying the statute. While making this decision, a court must
14 consider not only the possible prejudice to the defendant but also the possible prejudice to the
15 Government resulting from two time-consuming, expensive and duplicitous trials. Lisle v.
16 State, 941 P.2d 459, 466 (1997). Citing NRS 174.155, the Court in Lovell v. State, 92 Nev.
17 128, 546 P.2d 1301 (1976), held that “joinder is within the discretion of the trial court and its
18 actions will not be reversed absent an abuse of discretion.” Where no prejudice will result
19 from joinder of two Informations, no abuse of discretion is committed by a court who orders
20 such a joinder. Moeller v. United States, 378 F.2d 14 (5th Cir. 1967).

21 The Nevada Statutes cited are identical to the Federal Rules of Criminal Procedure.
22 NRS 174.155 is the same as Federal Rule 13, and NRS 173.115 is the same as Federal Rule
23 8(b). In considering whether to allow consolidation, the courts have looked at the conflicting
24 policies of judicial economy and efficiency of judicial administration, looking to control court
25 calendars in avoidance of multiple trials, and any resulting prejudice to a defendant which
26 might arise from being prosecuted at trial by presentation of evidence of other crimes flowing
27 from a common scheme or plan. Cantano v. United States, 176 F.2d 820, (4th Cir., 1948);
28 United States v. Fencher, 195 F. Supp. 634 (D. Conn.); *affirmed*; 319 F.2d 604 (4th Cir., 1963).

1 Similarly, joinder is to be broadly construed in the interest of more efficient
2 administration of justice and in favor of initial joinder. United States v. Ford, 632 F.2d 1354,
3 1373 (9th Cir. 1980). Joinder of offenses is a means of avoiding expensive duplicative trials
4 and such joinder is favored where there are common elements of proof in the joined offenses,
5 and where the interests of judicial economy outweigh any prejudice to the defendant. United
6 States v. Wilson, 715 F.2d 1165, 1171 (7th Cir. 1983). (Emphasis added). Additionally, there
7 must be more prejudice shown than is inherent in any joinder of counts. United States v.
8 Bright, 630 F.2d 804 (5th Cir. 1980). It is insufficient to show that severance gives the
9 defendant a better defense. He must show prejudice of such a magnitude that he is denied a
10 fair trial. United States v. Martinez, 486 F.2d 15 (5th Cir. 1973).

11 The Nevada Supreme Court addressed the issue of joinder of separate offenses in a
12 single indictment in State v. Boueri, 99 Nev. 790, 672 P.2d 33 (1983). In that case, the
13 defendant was charged with embezzling twelve different sums of money on twelve different
14 dates between June 14, 1979 and August 25, 1980. The opinion in State v. Boueri, *supra*,
15 recites the facts as follows:

16 Facts adduced at the grand jury hearing revealed that respondent
17 was vice-president of Caesar's Palace in charge of hosting of
18 affluent guests at Caesar's. As part of his duties, Boueri would
19 arrange complimentary air fare and other services designed to
20 induce such persons to visit Caesar's. Boueri would arrange air
21 fare through a local travel agent, Ghanem Travel, in the name of
22 the customers. Unused tickets were returned to Ghanem by Boueri
23 for refunds. When such refunds were sought, the agency would
24 issue checks to the order of cash and usually deliver them to
25 Boueri. At times Boueri would purchase tickets for customers and
26 deliver them to associates of the customers, who would redeem
27 the tickets as "commissions" for encouraging the guests to return
28 to Caesar's. Boueri also obtained refunds for tickets issued in his
own name. . . . [E]vidence was presented that Boueri had
authorized tickets for several persons who received neither tickets
nor money from Caesar's. Refunds for these tickets were given to
Boueri by the travel agency in the form of checks made out to the

1 order of cash. Boueri also received refunds for tickets issued in
2 his own name.

3 Id. 99 Nev. at 792-793, 672 P.2d at 34.

4 It is clear from reading the facts of State v. Boueri, *supra*, that the different counts of
5 the indictment are based upon different acts by the defendant at different times to accomplish
6 different purposes. The facts show that usually the checks were delivered to Boueri. However,
7 at other times, the tickets were delivered to associates of the customers who could in turn
8 redeem the tickets for checks. In those instances, the refunds were redeemed to be
9 commissions payable to the agent who had procured the attendance of Caesar's guests. On
10 other occasions, Boueri obtained the refunds himself.

11 Notwithstanding the time period over which the separate crimes had occurred or the
12 different acts, methods and purposes of the separate embezzlements, the Supreme Court held:

13 Boueri's alternative argument that an indictment charging several
14 offenses must be dismissed is directly contravened by NRS
15 173.115. Clearly the several counts of the indictment are
16 "connected together" and constitute part of a common scheme or
17 plan.

18 Id. 99 Nev. at 796, 672 P.2d at 37.

19
20 Likewise, in Howard v. State, 102 Nev. 572, 729 P.2d 1341 (1986) Howard was
21 charged with robbery with use of a deadly weapon which involved taking a security guard's
22 badge and radio at gunpoint. Later that day, Defendant contacted the owner of a van and
23 indicated that he was interested in purchasing the vehicle. Arrangements were made for the
24 owners to meet with Howard at a hotel to negotiate the purchase of the vehicle. When the
25 victim and his wife arrived at the hotel, Howard identified himself as a security officer
26 employed by the hotel. He openly displayed the stolen radio and officer's badge. The sale

1 was negotiated and arrangements were made for the defendant to meet with the victim on the
2 following day to test drive the vehicle. Later, the victim's body was found in the abandoned
3 van. Id. 102 Nev. 573-574.

4 The defendant was arrested and charged in one information with robbery with use of a
5 deadly weapon involving the security guard and robbery with use of a deadly weapon and
6 murder with use of a deadly weapon stemming from the victim's killing. The trial court denied
7 defendant's motion to sever the two separate and distinct incidents. On appeal, the court held
8 that although the two crimes were not "parts of a common scheme or plan" they were
9 sufficiently connected together to justify the joinder of the two incidents in the same
10 indictment. Id. 102 Nev. at 574.

11 Also, in Tillema v. State, 112 Nev. 266, 268, 914 P.2d 605, 606 (1996), the Court
12 upheld the joinder of two (2) automobile burglaries occurring sixteen days apart, at different
13 locations and with different victims. The court further permitted the joinder, in the same case,
14 of the store burglary which occurred on the same date as the second automobile burglary. The
15 court reasoned:

16 The district court certainly could determine that the two vehicle
17 burglaries evidenced a common scheme or a plan. Both of the
18 offenses involved vehicles in casino parking garages and occurred
19 only seventeen days apart. Moreover, we conclude that evidence
20 of the May 29 offense would certainly be cross admissible in
21 evidence at a separate trial on the June 16th offense to prove
22 Tillema's felonious intent in entering the vehicle. (Citations
23 omitted)

24 Likewise, the store burglary could clearly be viewed by the district
25 court as "connected together" with a second vehicle burglary
26 because it was part of a continuing course of conduct."

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1 The Nevada Supreme Court has consistently held, “[i]f evidence of one charge would
2 be cross-admissible at a separate trial on another charge, then both charges may be tried
3 together and need not be severed. Mitchell, *supra*; see also Robinson v. United States, 459
4 F.2d 847 (D.C. Cir. 1972); NRS 48.045(2), 117.115. NRS 48.045(2) provides:

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

9 In Robins v. State, 106 Nev. 611, 798 P.2d 558 (1990), our Nevada Supreme Court was
10 faced with the joinder of a child abuse charge and a murder charge. The Court held that, “if .
11 . . evidence of one charge would be cross-admissible in evidence at a separate trial on another
12 charge, then both charges may be tried together and need not be severed.” Id. at 619, 798 P.2d
13 at 563 (*citing* Mitchell v. State, 105 Nev. 735, 738, 782 P.2d 1340, 1342 (1989)).

14 In the instant case, the State agrees that Counts 9 and 10 - Ownership or Possession
15 of a Firearm by a Prohibited Person - should be bifurcated and presented separately from the
16 remaining counts.

17 With regard to all other counts, the State disagrees with Defendant’s argument and asks
18 this Court to deny his request to sever. Defendant’s actions in Counts 1 through 8 are clearly
19 “connected together” such that evidence of the crimes are cross-admissible and therefore may
20 be tried together and need not be severed. If in fact Count 1 was severed from Counts 2
21 through 8, evidence of Counts 2 through 8 would still be highly relevant and admissible to
22 prove motive, identity and consciousness of guilt.

23 Indeed, this case is analogous to Weber v. State, 121 Nev. 554, 119 P.3d 107 (2005),
24 wherein the Nevada Supreme Court addressed a similar factual scenario and held that joinder
25 of the offenses was appropriate because the crimes were connected together. There, defendant
26 Weber had been sexually abusing his girlfriend Kim’s daughter for years. Once he was in

1 jeopardy of being caught, and in order to conceal his crimes, he murdered Kim and her son.
2 Before trial, he moved to sever the murder counts from the sexual assault counts. The court
3 denied the request and he was found guilty of all counts. Upon appeal, the Supreme Court
4 concluded that:

5 “under NRS 48.045(2), evidence of Weber’s various criminal acts
6 would have been relevant in separate trials to prove his other
7 crimes. It is evident that after sexually abusing M. for years,
8 Weber murdered or attempted to murder those who appeared to
9 threaten to end or expose this long running abuse. Thus, Weber’s
10 desire to continue and conceal that abuse or to punish those who
11 were thwarting it provided the motive for the murders of M.’s
12 brother and mother and the later attempted murder of her other
13 brother and his guardian. Likewise, evidence of the murders and
14 the attempted murders was probative of Weber’s sexual abuse of
15 M., showing his consciousness of guilt regarding the abuse and
16 lack of consent by M. Furthermore, evidence that Weber attacked
17 C. and Froman was probative as to the identity of the perpetrator
18 of the earlier, unwitnessed murders of C.’s mother and brother at
19 the same house, particularly given Weber’s warning to Froman
20 that he would “kill C. too.””

21 Id. 121 Nev. at 573, 119 P.3d at 120.

22 Here, evidence of Woods’s commission of an Open and Gross Lewdness involving the
23 minor child, D.L., would be cross-admissible with the murder of Josie. His sexual abuse of
24 D.L. not only prompted Josie to leave Woods, but also caused her to call the police to report
25 Woods’s conduct. After his release from custody on those charges, Woods murdered Josie in
26 retribution for reporting his crimes to the police and placing him in significant legal jeopardy,
27 as evidenced by his exclaiming “I said I would get you bitch, I got you, you fucking bitch!”
28 and “Fuck you bitch, I told you I would find you!” while standing over Josie’s dying body.
Likewise, his murder of Josie would be admissible in a trial on the charge of Open and Gross
Lewdness because it tends to show Woods’s consciousness of guilt.

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1 Similarly, the charges of Peeping, Capturing the Image of the Private Area, and Open
2 and Gross Lewdness would be cross-admissible. To prove that the defendant committed a
3 “lewd” act, the State must prove that his conduct was:

4
5 “[o]bscene or indecent; tending to moral impurity or
6 wantonness,” *Black’s Law Dictionary* 927 (8th ed. 2004), “evil,
7 wicked” or “sexually unchaste or licentious,” *Merriam-Webster’s*
8 *Collegiate Dictionary* 715 (11th ed. 2003), and “[p]reoccupied
9 with sex and sexual desire; lustful,” *The American Heritage*
10 *Dictionary of the English Language* 1035 (3d ed. 1996).

11 Berry v. State, 125 Nev. 265, 281-82 (2009). Woods’s behavior towards D.L. in the months
12 leading up to the lewd act demonstrate that his conduct with D.L. on the date in question was
13 sexual in nature, and corroborates D.L.’s statements to the police. Woods’s peeping through a
14 window and obtaining surreptitious photographs of an unclothed D.L. on multiple occasions
15 demonstrates that he was sexually obsessed with D.L., and therefore, his actions on the date
16 in question were lewd.

17 Likewise, the evidence of Woods’s lewd act with D.L. would be admissible with regard
18 to the peeping and photography charges because the lewd act demonstrates that Woods’s
19 peeping and photographing D.L.’s private areas was purposeful and did not have an innocent
20 explanation. Moreover, they would disprove Woods’s claim (as D.L. told to the police) that
21 D.L. was taking selfies of her naked body and posting them on social media.

22 The burden lies on the Defendant to show actual prejudice by joining offenses. In order
23 to protect the Defendant from unfair prejudice, the safeguard would be to properly instruct the
24 jury that they are to consider each crime separately and that they may not allow a verdict of
25 guilty as to one charge control their verdict on any other charges

26 In the instant case, although the crimes are not part of a common scheme or plan they
27 are clearly sufficiently connected together to justify the joinder of the incidents in the same
28

1 Information. Additionally, evidence of the crimes committed in each would be admissible in
2 separate trials pursuant to NRS 48.045(2), to show motive, identity and consciousness of guilt.

3 **CONCLUSION**

4 Based upon the above and foregoing Points and Authorities, the State asks that
5 Defendant's Motion to Sever be DENIED.

6 DATED this 1st day of October, 2018.

7 Respectfully submitted,

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

10
11 BY /s/ Michelle Fleck

12 MICHELLE N. FLECK
13 Chief Deputy District Attorney
Nevada Bar #0010040

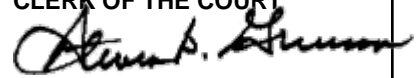
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS CONTENTS
OF SEARCH OF CELL PHONE**

DATE OF HEARING: 10/10/2018
TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHELLE FLECK, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion to Suppress Contents of Search of Cell Phone.

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

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

2 On August 5, 2015, at approximately 8:20 P.M., Defendant brutally murdered his ex-
3 girlfriend, Josie Jones, by stabbing her multiple times while in a Walgreens parking lot located
4 at the intersection of Tropicana and Decatur. As she lay dying, Defendant stood over her and
5 said, "I said I would get you bitch, I got you, you fucking bitch." He was also heard saying,
6 "Fuck you bitch, I told you I would find you!" Defendant subsequently fled the scene in a
7 vehicle. Josie's fifteen year-old daughter, D.L., witnessed the attack and identified Defendant
8 as her mother's killer.

9 Subsequent to the murder, Crime Scene Analysts from the Las Vegas Metropolitan
10 Police Department processed the scene. CSA Fletcher took digital images of the scene, to
11 include the victim's purse. While processing the purse, a business card in the name of LVMPD
12 Detective D. Shane, with Event #150717-2118 was found. Detective Shane was a Special
13 Victim's Unit detective at the time.

14 Later that evening, LVMPD Homicide Detective Rob Wilson, obtained a recorded
15 statement from Christina Delpino. Delpino relayed to Detective Wilson that the victim's ex-
16 boyfriend, Leonard Woods, hereinafter "Defendant", had molested her daughter D.L. and that
17 photos of D.L.'s breasts had been found in Defendant's phone. Delpino said that Defendant
18 had been arrested for Open and Gross Lewdness and had been in custody for 4 days. Delpino
19 said that during those 4 days, Josie Jones had moved out of the house she shared with
20 Defendant. Delpino also said that once Defendant was released from custody, he was actively
21 looking for Josie.

22 On August 6, 2015, LVMPD Detective Buddy Embrey researched event #150171-
23 2118, where D.L. was a victim of Open and Gross Lewdness. There, D.L. reported that
24 Defendant had accused her of taking nude photos of herself. When she denied Defendant's
25 accusation, Defendant said he would tell her mom, Josie Jones, that she was taking the photos.
26 D.L. began to walk away from Defendant when he wrapped his arms around her, lifted up her
27 shirt and proceeded to grab her bare breasts with both of his hands. D.L. eventually broke free
28 and ran to her room. Defendant came to her room and offered her \$20.00 and special privileges

1 to keep quiet about what he had done. He also demanded that she take a photo of her bare
2 breasts and send it to him. He said that if she didn't do as he said, he would kill her and her
3 mom, would burn the house down and would then kill himself. D.L. reported that she then
4 took the photo and sent it to Defendant's phone. During the course of that interview, D.L. also
5 said that Defendant repeatedly threatened her mother, saying that if she ever left him he would
6 kill her.

7 D.L. immediately reported this abuse to her mother, who in turn, reported to the police.
8 At approximately 5:30 pm, on July 17, 2015, Defendant was observed leaving 3492 Pinon
9 Peak Drive in a black Chevrolet Suburban. Officer J. Blasko and Officer C. Fulwiler
10 apprehended Defendant at that time and arrested him for Open and Gross Lewdness. Officer
11 Fulwiler read Defendant his Miranda rights and the Defendant indicated he understood his
12 rights. He then told Officer Fulwiler that he lived at 3492 Pinon Peak Drive, and that there
13 may or may not be a shotgun inside his bedroom closet. He also told officers that there could
14 be a picture of Divina on his phone and that the last time he looked the photo was downloading
15 but he wasn't sure what it was.

16 Upon Defendant's arrest, Jones gave officers consent to search her vehicle and signed
17 a consent to search card. See Defendant's Motion at 16. During the search, officers lawfully
18 seized Defendant's cellular telephone. They then prepared an Application and Affidavit for
19 Search Warrant Electronic which was signed by Judge Sciscento.

20 On August 7, 2015, Detective Embry listened to a phone call from Defendant to Josie
21 Jones which was placed from the Clark County Detention Center. In that call, Defendant
22 repeatedly denied the allegations and said D.L. was lying. Jones made it perfectly clear that
23 she believed her daughter's accusations. She said that she had moved out and never wanted
24 to speak to Defendant again.

25 A subsequent forensic analysis of Defendant's cellular telephone revealed 3 photos that
26 appeared to be taken through a window screen showing D.L. in her bathroom in various stages
27 of undress. The photos were dated 4/21/2015 at 21:14, 3/23/2015 at 18:57 and 3/9/2015 at
28 20:59.

1 **POINTS AND AUTHORITIES**

2 The Fourth Amendment to U.S. Constitution provides:

3 The right of the people to be secure in their persons, houses, papers, and effects,
4 against unreasonable searches and seizures, shall not be violated, and no
5 warrants shall issue, but upon probable cause, supported by Oath or affirmation,
6 and particularly describing the place to be searched, and the persons or things to
7 be seized.

8 In the case of U.S. v. Leon, 468 U.S. 897, 104 S.Ct. 3430 (1984), the United States
9 Supreme Court held that once an issuing judge had signed a warrant, there should be no
10 suppression of evidence unless:

11 (1) The issuing judge was not impartial.

12 (2) The items to be seized or place to be searched are not adequately described.

13 (3) There are material intentional misrepresentations of fact in the affidavit.

14 (4) The affidavit is so lacking in probable cause that no reasonable police officer (or
15 judge) could think that there was probable cause.

16
17 The Defendant's Motion fails to establish any of the factors above. It is clear from a
18 review of the facts of this case, that none of the enumerated factors are present in the case at
19 bar. The cellular phone was searched pursuant to a lawful warrant and the search must not be
20 suppressed.

21 Here, Defendant's phone was lawfully seized after the owner of the vehicle in which
22 the phone was found gave consent to search the SUV. Upon seizure of the phone, officers
23 applied for a search warrant for the electronic storage device. The warrant was signed by an
24 impartial issuing judge. There are no misrepresentations of fact in the affidavit, which was
25 supported by probable cause to believe Defendant committed the crime of Open and Gross
26 Lewdness; as such, the motion must be DENIED.

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CONCLUSION

The cellular telephone at issue in this case was lawfully seized and lawfully searched; thus, the State respectfully asks this Court to DENY Defendant’s motion.

DATED this 3rd day of October, 2018.

Respectfully submitted,

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

BY /s/ Michelle Fleck
MICHELLE FLECK
Chief Deputy District Attorney
Nevada Bar #010040

Certificate of Service

I, Stephanie Johnson, certify that on the 3rd day of October, 2018, I mailed a copy of the above and foregoing to Leonard Woods #1901705 at the Clark County Detention Center located at 330 Casino Center Blvd, Las Vegas, NV 89101, for his review.

BY: /s/ Stephanie Johnson
Employee of the District Attorney’s Office

OCT 10 2018

MTDMC

Leonard Woods, in Properia Persona

BY

Kory Schlitz

330 Casino Center Blvd. (ccdc) Las Vegas, NV 89101

KORY SCHLITZ, DEPUTY

Attorney-in-fact for DEFENDANT

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA
PLAINTIFF

CASE No: C-15-309820-1
DEPT. No: 3

V.
LEONARD WOODS
DEFENDANT

HEARING DATE:
HEARING TIME:

MOTION TO DISMISS MURDER CHARGE

COMES NOW, the DEFENDANT, LEONARD WOODS by and through Leonard Woods Attorney-in-fact, Properia Persona, respectfully requests this Honorable Court to grant this MOTION TO DISMISS MURDER CHARGE as a product of fabricated evidence, illegal arrest/detainment, illegal and invalid search warrant, illegal search and seizure, inadequate and insufficient Miranda, attempts to mislead and misconstrue evidence, "fruit of the poisonous tree" evidence, evidence tampering, fraudulent police reports, falsifying reports and documents, failure to collect and preserve evidence, fraudulent and tampered documents produced to the courts as fact, Brady violations, violation of Fourth and Fifth Amendment rights, prosecutorial misconduct for using illegal, fraudulent, and tampered with evidence to bolster their case in an attempt to convict, together with the fact that no DNA, physical, concrete, or forensic evidence has ever been produced proving that WOODS killed Josie Jones or any one else.

This motion is made and based upon the any pleadings and papers contained herein, the Declaration of Counsel attached hereto and any oral argument of counsel at the time of the hearing for this matter, if desired by this Honorable Court.

DATED this 1st day of October, 2018

x Leonard Woods

C-15-309820-1
MOT
Motion
4786989

Leonard Woods, Properia Persona
Attorney-in-fact for DEFENDANT



FActual Allegations

On the night/morning of August 5-6, 2015 the DEFENDANT, LEONARD WOODS was stopped by LVMPD officer V. Haynes. Haynes asked WOODS in the form of a question "don't I know you?" WOODS replied by stating "yes, I know you, you arrested me falsely a couple of years ago." Haynes then went to his patrol unit and "ran" WOODS' name. He came back and told WOODS to put his hands behind his back and handcuffed him saying that WOODS was wanted for an incident that happened on Tropicana. When Haynes tried to question WOODS about the incident, WOODS stated he did not want to talk to him and asked for a lawyer. 30 to 40 minutes later Det. B. Embry pulled up and tried to question WOODS. WOODS again stated that he did not want to talk in which Embry replied "too bad, you're going to talk to me anyway." Haynes then put WOODS, against his will, into the back seat of his patrol unit with officer T. Swartz driving. WOODS having never been Mirandized, was taken to an interrogation room, following behind the car that Embry was driving. WOODS was then stripped naked and subjected to various tests of his skin, mouth, body, and clothing (to which no evidence to this present day has come from) afterward WOODS was improperly and insufficiently Mirandized, questioned at length, and interrogated further. WOODS was then taken to the Clark County Detention Center where he was booked on the charge of murder.

Argument

The DEFENDANT, LEONARD WOODS has ~~been~~ been held in the Clark County Detention Center for over 3 years without concrete, physical, forensic, or DNA evidence to support the theory that he killed Josie Jones or any one else. WOODS' trial date has been unnecessarily postponed several times for reasons that were not productive to him or his case nor which had any bearing on positive or exculpatory evidence to be

1
2 used in his case on his behalf. WOODS' defense has been
3 nothing short of disastrous. He has asked for investigations
4 on his case which were ignored, he has asked for motions to be
5 filed on his behalf which were denied several times by his then
6 public defenders Julia Murray and Jordan Savage, he asked for
7 a bail hearing and was led to believe he was not eligible for one,
8 he was told to waive his preliminary hearing the day of the pre-
9 liminary hearing without being thoroughly consulted as to why or
10 what benefit would it be for him to do so. Had WOODS been
11 properly advised, he would never have waived his preliminary
12 hearing. WOODS has filed several motions to dismiss counsel only
13 to be told he couldn't do so without being given a logical, ethical,
14 or judicial reason as to why he could not dismiss her. WOODS
15 especially couldn't understand this when he's seen on several
16 occasions in the courtroom, defendants stand up in court
17 without filing motions, and state that they "don't like" or "don't
18 get along with" or have "conflict of interest" issues with their
19 public defenders and are granted immediate relief. It is for
20 this reason that WOODS is before this court now representing
21 himself in Propria Persona. Not because he voluntarily
22 chose to but because he was told it was his only other option.
23 Which has always been unclear and seemed unfair to him since
24 there are alternate assistance of counsel and state appointed
25 attorneys which are assigned on numerous occasions for
26 situations such as WOODS'. So under duress and presented
27 with no other option, WOODS is now forced to represent himself.

28 WOODS has also been the victim of "bad faith" and
29 "connivance" on the part of the Las Vegas Metropolitan Police
30 Dept., its officers and its detectives which WOODS will show
31 in the following violations that have occurred during his case.

32
33 * 7-17-15 Officer J. Blasko P# 15065 manufactures evidence,
34 tampers with evidence, tried to corrupt the warrant and the

1
2 Warrant search, and ~~the~~ mislead and misconstrued evidence
3 when he produced as evidence a consent to search card, as a
4 product of warrant # 150717-2118, to search for and seize a
5 cell phone that was never part of this warrant.

6
7 * 7-17-15 Officer L. Reyes # 13129, falsifies his police report
8 when, after identifying WOODS during a traffic stop
9 through his current Nevada drivers licence, failed to
10 write into his report WOODS' address instead reported
11 and wrote in report that WOODS was a "transient". Never
12 went to address on license, investigated it, or reported
13 it ever existed. Never reported that Josie Jones on this
14 date was wanted on a felony fugitive warrant out of
15 San Diego, California.

16
17 * 8-5-15 Officer V. Haynes # 13004, manufactures a probable cause
18 stop, illegally detains WOODS, never mirandized WOODS before
19 or after handcuffing him, illegally arrests WOODS and trans-
20 ports him against his will, says his dash camera wasn't on and
21 wasn't wearing his body camera conveniently when WOODS
22 could have used the dash and body cam evidence footage to
23 prove his statement that Haynes stopped him not vice versa.

24
25 * 8-5-15 Officer T. Miller # 5113 (detective) failed to gather,
26 collect, and preserve material and possibly exculpatory evidence
27 favorable to the DEFENDANT when he should have taken
28 the victim's cell phone into evidence as recorded in interview
29 with Divina Leal (pg. 31 of interview) (Brady violation) (see exhibit A)

30
31 * 8-5-15 Det. D. Long # 3969 failed to gather, collect, and preserve
32 material and possibly exculpatory evidence favorable to the
33 DEFENDANT when he should have taken the victim's purse
34 into evidence as recorded in interview with Yesenia

Rivas (pg. 27 of interview) (Brady violation) (see exhibit B)

* 7/17-8/25/15 Det. B. Embry #8644, held back and failed to collect and preserve, material and exculpatory evidence favorable to WOODS, violated WOODS' Fourth and Fifth Amendment rights when he illegally detained WOODS, illegally authorized the transportation of WOODS against his will and without his consent, failed to stop questioning WOODS when he invoked his right to remain silent, failed to cease questioning when WOODS invoked his right to counsel, stripped naked and performed tests on WOODS' body without his consent or apprising him of his Fifth Amendment rights, inadequately and insufficiently mirandized WOODS after he violated his rights.

* 8/5 - 8/25/15 Detectives B. Embry and R. Wilson #3836 in interviews with Deyn Haggarty, Divina Leal, and Christina Delpino, knew of the victim having a domestic fight and/or dispute at the residence she was staying at, directly after moving from the Pinon Peak address, resulting in Jones being kicked out of the residence. Detectives had reason to believe that the car her combatants drove at the time was a similar make/color to the one leaving the murder scene. The incident was never reported by the detectives or documented. The incident happened about a week before victim's death.

* 8/6-8/25/15 Det. D. Shane #6727 falsifies reports and documents knowingly in an effort to obtain search warrant and application affidavit to search electronic storage device for cell phone and hard drive, never received WOODS' consent to search cell phone, unreasonably delayed obtaining warrant, attempted to and misled and misconstrued evidence, filed invalid documents to the courts as fact, fabricated evidence, falsifies judge's signature.

* Palm print and fingerprints thought to have been left by the assailant at the murder scene were tested through Michelle Fleck (D.A.) by a forensic expert. Prints come

back negative for WOODS but never revealed and/or investigated as to who they belong to. Prints never put into record as evidence.

* (prosecutorial misconduct?) against the prosecution for not using due diligence in confirming whether the evidence provided to them against WOODS was indeed fact or fictitious and for using illegal, fraudulent, and tampered with evidence to bolster their case in an effort to convict WOODS.

* San Diego Police reports (as found by mitigator Emily Reeder) revealed that Josie Jones' husband Kevin Foster try to kill her with a (knife-cutting utensil-sharp object) in an almost exact identical manner in which she died. Report never presented to the court or for WOODS to present to the court.

The state's failure to preserve potentially exculpatory evidence may result in dismissal of the charges if the defendant can show "bad faith" or "connivance" on the part of the government or that he was prejudiced by the loss of evidence. Daniels v. State, 114 Nev. 261; 956 P.2d 111 (1998) Nevada adopts a two-part test that was developed by the New Mexico Supreme Court after recognizing that injustices could arise from the state's failure to gather evidence under certain circumstances. The first part requires the defense to show that the evidence was "material", meaning that there is reasonable probability that, had the evidence been available to the defense, the result of the proceedings would have been different. If the evidence was material, then the court must determine whether the failure to gather evidence was the result of mere negligence, gross negligence, or a bad faith attempt to prejudice

1
2 the defendant's case..... when gross negligence is involved, the
3 defense is entitled to a presumption that the evidence would
4 have been unfavorable to the state. In cases of "bad faith",
5 dismissal of the charges may be an available remedy based
6 upon an evaluation of the case as a whole.

7 Giglio under Brady, prosecutorial suppression of exculpatory
8 evidence is a violation of the due process "where the evidence
9 is material either to guilt or punishment" 373 at 87. Evidence is
10 material "if there is a reasonable probability that had the
11 evidence been disclosed to the defense, the result of the
12 proceeding would have been different". Bagley, 473 U.S. at 682

13 The court considers (3) factors when examining a Brady
14 violation, whether the evidence at issue (1) was favorable to the
15 defendant, (2) was inadvertently or intentionally withheld, (3) was
16 material and, therefore, prejudice occurred. Mazzan v. Warden, 116 Nev.
17 48 (2000)

18 19 CONCLUSION

20
21 All of these civil, constitutional, ethical, and judicial
22 violations blatantly made by these police officers, detectives,
23 and the prosecution who have taken oaths to protect, serve, and
24 uphold the law, go far beyond "bad faith" and "connivance" and
25 cannot just be written off as "harmless error" or "mere negligence".
26 It is appalling to say the least how far these officers have gone
27 to unlawfully harm, punish, and convict an individual. Together
28 with insufficient DNA, concrete, physical, forensic evidence and/or
29 the lack thereof, the defense respectfully requests, with addition of
30 these unlawful acts made by public officials who have sworn to uphold
31 the law, this Honorable Court to grant this motion to dismiss the
32 charge of murder.

33
34 DATED this 1st day of October, 2018

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 U.S.C. 1746 and 18 U.S.C 1621

DATED this 12th day of October, 2018

x Leonard Woods

Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

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EXHIBIT
A

Interviewed by: T. Miller 7/25/15

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 31

EVENT #: 150805-3825
STATEMENT OF: DAVINA LEAL

Q: Or is it just right here? Okay. So it's more like just right around his mouth area?

A: Um, I don't - I'm not positive.

Q: Okay. Any scars?

A: I can look though my mom's -- oh, you. I think she has a picture of him.

Q: On her phone?

A: I think so if she didn't delete it.

Q: Do you know the code to mom's phone.

A: She doesn't have a code.

Q: Okay. So I should be able to get in it?

A: Yeah.

Q: Real easy. Okay. You know what I'll get it and you can show me it.

A: I think if she didn't delete it.

Q: Has Joe ever threatened you or your mom with a knife before?

A: No.

Q: No.

A: Um, every time they argue I've always been in my room but I could hear.

Q: Okay.

A: I could hear his threats.

Q: And he was saying he would...

A: Yeah.

Q: He would what?

EXHIBIT
B

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 27

EVENT #: 150805-3825
STATEMENT OF: YESENIA RIVAS #1
INTERVIEWED BY DET. LONG # 3969

A: No.

Q: But she came out of the Walgreen's...

A: I didn't see anything because she had because at the - no the mom didn't come out of the Walgreen's. The daughter.

Q: Okay.

A: I'm guessing that because the daughter had, 'cause when she you guys came...

Q: Oh, the first you saw she's in the parking lot running going...

A: Yeah.

Q: Okay I got ya.

A: And, um, she must I'm- I'm assuming the daughter must have had a run first 'cause or run before trying to scream for help because like they said that she went in screaming for help but they weren't sure what was going on and then when you guys came, uh, or the ambulance came she grabbed her purse. The little girl grabbed the purse from the side of where the car was parked.

Q: She grabbed mom's purse?

A: Yeah.

Q: From next to where the tan car was?

A: Yeah, um-hm.

Q: Okay. Okay. Um, was there an SUV parked alongside the Walgreen's? Do you remember an SUV parked over there?

A: I don't know. I just know I know that I remember I want to say it was two cars I

OCT 10 2018

Kory Schlitz

KORY SCHLITZ, DEPUTY

C-15-309820-1

MOT

Motion

4786991



1 MTROF

2 Leonard Woods, in Properia Persona

3 330 Casino Center Blvd. (CCDC) Las Vegas, NV 89109

4 Attorney-in-fact for DEFENDANT

6 EIGHTH JUDICIAL DISTRICT COURT

7 CLARK COUNTY, NEVADA

9 STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-309820-1

DEPT. NO: 3

10 V.
11 LEONARD WOODS
DEFENDANT

HEARING DATE:

HEARING TIME:

13 MOTION TO REVIEW OFFICERS FILES

15 COMES NOW, the DEFENDANT, LEONARD WOODS by and through
16 Leonard Woods Attorney-in-fact, Properia Persona, respectfully requests
17 this Honorable Court to grant this Motion To Review Officers Files,
18 as a product of Officers many violations of Nevada and
19 Constitutional laws. In case(s) PEF 10603/C-15-309820-1, Officers
20 J. Blasko (P# 15065), D. Shane (P# 6727), and B. Embry (P# 8644), did at one
21 point or another through the dates of July 17, 2015 to August 25, 2015
22 willfully and intentionally violated the rights of LEONARD WOODS in acts
23 of "bad faith" and "connivance" in the following manners: manufacturing evidence,
24 fabricating evidence, corrupt and falsify warrant and warrant search, violating
25 Fourth and Fifth Amendment rights, falsifying evidence, falsifying reports and
26 documents then producing them to the courts as fact, attempts to mislead and misconstrue
27 evidence, and other violations. The defense requests these officers files, in an effort
28 to review whether these officers have a history of such violations as these or
29 other such infractions or reprimands.

30 This motion is made and based upon the any pleadings and papers contained herein, the
31 Declaration of Counsel attached hereto and any other oral argument of counsel at the time of
32 the hearing for this matter, if desired by this Honorable Court.

33 *Leonard Woods*, Leonard Woods, Pro Per
34 DATED this 2nd day of October, 2018 Attorney-in-fact for DEFENDANT

FACTUAL BACKGROUND

On July 17, 2015 officer J. Blasko #15065 fabricates evidence, manufactures evidence, tried to intentionally corrupt the warrant and the warrant search, misled and misconstrued and falsified evidence when he produced, as fact, a consent to search card as a product of warrant number 150717-2118, to search for and seize a cell phone that was never part of this warrant.

On July 17, 2015 through August 25, 2015 officer B. Embry #8644 held back material and exculpatory evidence, failed to collect and preserve material and exculpatory evidence favorable to the defendant violated the defendant's Fourth and Fifth Amendment rights when he illegally detained him, illegally arrested him, illegally authorized the transportation of the defendant against his will and without his consent or miranda warning, failed to stop questioning defendant when he invoked his right to remain silent, failed to cease questioning when defendant invoked his right to counsel, stripped naked and performed tests on defendant's body without his consent or apprising him of his Fifth Amendment rights, inadequately and insufficiently mirandized defendant after he violated the defendant's rights.

On August 6 through August 25, 2015 officer D. Shane #6727 falsifies reports and documents knowingly in an effort to obtain a search warrant and an application affidavit to search electronic storage device for cell phone and cell phone's hard drive, never received defendant's consent to search cell phone or hard drive, unreasonably delayed obtaining warrant, misled and misconstrued evidence, fabricated evidence, filed invalid documents to the courts as fact, falsifies a judge's signature.

ARGUMENT

The state's failure to preserve potentially exculpatory evidence may result in dismissal of the charges if the defendant can show "bad faith" or "connivance" on the part

1
2 of the government or that he was prejudiced by the loss
3 of evidence. Daniels v. State, 114 Nev. 261; 956 P.2d 111 (1998)

4
5 N.R.S. 199.210 states, A person who, upon any trial,
6 hearing, inquiry, investigation, or other proceeding authorized
7 by law, offers or procures to be offered in evidence, as
8 genuine, any book, paper, document, record or other instrument
9 in writing, knowing the same to have been forged or
10 fraudulently altered is guilty of a category D felony and shall
11 be punished as provided in NRS 193.130

12 N.R.S. 199.450 states, A peace officer who, in
13 executing a search warrant, shall willfully exceed his or
14 her authority, or exercise it with unnecessary severity,
15 shall be deemed guilty of a gross misdemeanor.

16 N.R.S. 199.130 states, A person who makes, executes,
17 or signs or causes to be made, executed or signed, any false or
18 fictitious affidavit, complaint, deposition, or other instrument
19 in writing before any officer or person authorized to administer
20 oaths, for the purpose or with the intent of securing a warrant
21 for the arrest of any other person, or for the purpose of securing
22 a warrant for the searching of the premises, goods, chattels, or
23 effects, or of seizing the goods, chattels or effects, or of seizing
24 anything in the possession of any other person, is guilty of perjury
25 which is a category D felony.

26
27 Due to the limited time and access given to the defense
28 (Pro Per) to obtain evidence of Nevada law in accordance with
29 punishment that would go with the laws broken and crossed
30 by these and other officers, the defense could not access all or
31 most of the punishments to fit these infractions but is sure there
32 are many. These officers purposefully chose to bypass and ignore the
33 laws designed to properly arrest and convict individuals. And since done
34 with such blatant disregard of the law, the defense questions now the

1
2 history of these officers' past conduct pertaining to allegations
3 such as these.

4
5 CONCLUSION

6
7 The defense feels that officers have a responsibility
8 to uphold the law. That it should be a privilege and honor
9 to wear that badge. These officers disrespected that right
10 and privilege, and in doing so leads to question whether past
11 occurrences of misbehavior has happened in these officers' careers.

12 The defense respectfully requests this Honorable Court to
13 grant this motion to review these officers files.

14
15 DATED this 2nd day of October, 2018

16
17 DECLARATION UNDER PENALTY OF PERJURY

18
19 I, the undersigned, do hereby acknowledge that I executed the
20 above and/or foregoing of my own free will and that I am of sound
21 mind to do so. I understand that a false statement or answer to
22 any question in this declaration will subject me to penalties of perjury.

23 I, declare under penalty of perjury under the laws of the
24 United States of America, that the above information is accurate,
25 correct, and true to the best of my knowledge executed within the terms
26 of Nev. Rev. Stat. 171.102 and Nev. Rev. Stat. 208.165 see 28 U.S.C 1746 and 18 U.S.C 1621.

27
28 DATED this 2nd day of October, 2018

29 X / Leonard Woods

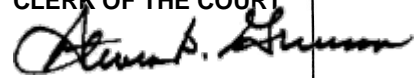
30 Leonard Woods, Propria Persona

31 Attorney-in-fact for DEFENDANT

32 Third Party Intervenor

33 //

34 //



1 REQT
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 JULIA M. MURRAY, DEPUTY PUBLIC DEFENDER
5 NEVADA BAR NO. 10939
6 **PUBLIC DEFENDERS OFFICE**
7 309 South Third Street, Suite 226
8 Las Vegas, Nevada 89155
9 Telephone: (702) 455-4685
10 Facsimile: (702) 455-5112
11 MurrayJM@clarkcountynv.gov
12 *Attorneys for Defendant*

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

9 THE STATE OF NEVADA,)
10)
11 Plaintiff,)
12)
13 v.)
14)
15 LEONARD RAY WOODS,)
16)
17 Defendant,)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

CASE NO. C-15-309820-1

DEPT. NO. III

15 **REQUEST TO FILE ORDER TO TRANSPORT LEONARD WOODS TO THE CLARK**
16 **COUNTY OFFICE OF THE PUBLIC DEFENDER UNDER SEAL**

17 Upon the request of the above-named Defendant, LEONARD WOODS, by and through
18 JULIA MURRAY, Clark County Deputy Public Defender, and good cause appearing therefore,

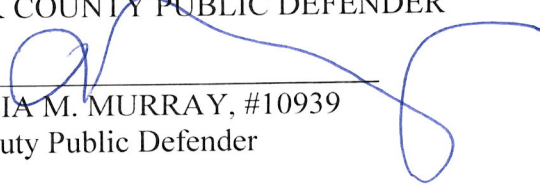
19 IT IS HEREBY ORDERED that upon request of this Court, that JULIA MURAY,
20 Deputy Public Defender, may file an Order To Transport Leonard Woods to the Clark County
21 Office of the Public Defender under seal.

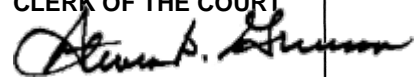
22 DATED 27th day of September, 2018.

23 
24 _____
25 DISTRICT COURT JUDGE
26 

25 Submitted by:

26 PHILIP J. KOHN
27 CLARK COUNTY PUBLIC DEFENDER

28 By 
JULIA M. MURRAY, #10939
Deputy Public Defender



1 REQT
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 JULIA M. MURRAY, DEPUTY PUBLIC DEFENDER
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10 Facsimile: (702) 455-5112
11 MurrayJM@clarkcountynv.gov
12 *Attorneys for Defendant*

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 THE STATE OF NEVADA,)	
)	
16 Plaintiff,)	CASE NO. C-15-309820-1
)	
17 v.)	DEPT. NO. III
)	
18 LEONARD RAY WOODS,)	
)	
19 Defendant,)	
20)	

21 **REQUEST TO FILE EX PARTE APPLICATION AND ORDER FOR TRANSPORT**
22 **UNDER SEAL**

23 Upon the request of the above-named Defendant, LEONARD WOODS, by and through
24 JULIA MURRAY, Clark County Deputy Public Defender, and good cause appearing therefore,

25 IT IS HEREBY ORDERED that upon request of this Court, that JULIA MURAY,
26 Deputy Public Defender, may file an Ex Parte Application and Order For Transport under seal.

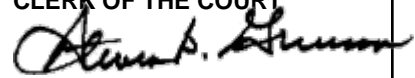
27 DATED 22nd day of September, 2018.

28 
DISTRICT COURT JUDGE

Submitted by:

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By 
JULIA M. MURRAY, #10939
Deputy Public Defender



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 WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO
REVIEW OFFICERS' FILES**

DATE OF HEARING: 10/18/2018
TIME OF HEARING: 9:00 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 Review Officers' Files.

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

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POINTS AND AUTHORITIES

Statement of Facts

On August 5, 2015, at approximately 8:20 P.M., Defendant brutally murdered his ex-girlfriend, Josie Jones, by stabbing her multiple times while in a Walgreens parking lot located at the intersection of Tropicana and Decatur. As she lay dying, Defendant stood over her and said, "I said I would get you bitch, I got you, you fucking bitch." He was also heard saying, "Fuck you bitch, I told you I would find you!" Defendant subsequently fled the scene in a vehicle. Josie's fifteen year-old daughter, D.L., witnessed the attack and identified Defendant as her mother's killer.

Subsequent to the murder, Crime Scene Analysts from the Las Vegas Metropolitan Police Department processed the scene. CSA Fletcher took digital images of the scene, to include the victim's purse. While processing the purse, a business card in the name of LVMPD Detective D. Shane, with Event #150717-2118 was found. Detective Shane was a Special Victim's Unit detective at the time.

Later that evening, LVMPD Homicide Detective Rob Wilson, obtained a recorded statement from Christina Delpino. Delpino relayed to Detective Wilson that the victim's ex-boyfriend, Leonard Woods, hereinafter "Defendant", had molested her daughter D.L. and that photos of D.L.'s breasts had been found in Defendant's phone. Delpino said that Defendant had been arrested for Open and Gross Lewdness and had been in custody for 4 days. Delpino said that during those 4 days, Josie Jones had moved out of the house she shared with Defendant. Delpino also said that once Defendant was released from custody, he was actively looking for Josie.

On August 6, 2015, LVMPD Detective Buddy Embrey researched event #150171-2118, where D.L. was a victim of Open and Gross Lewdness. There, D.L. reported that Defendant had accused her of taking nude photos of herself. When she denied Defendant's accusation, Defendant said he would tell her mom, Josie Jones, that she was taking the photos. D.L. began to walk away from Defendant when he wrapped his arms around her, lifted up her shirt and proceeded to grab her bare breasts with both of his hands. D.L. eventually broke free

1 and ran to her room. Defendant came to her room and offered her \$20.00 and special privileges
2 to keep quiet about what he had done. He also demanded that she take a photo of her bare
3 breasts and send it to him. He said that if she didn't do as he said, he would kill her and her
4 mom, would burn the house down and would then kill himself. D.L. reported that she then
5 took the photo and sent it to Defendant's phone. During the course of that interview, D.L. also
6 said that Defendant repeatedly threatened her mother, saying that if she ever left him he would
7 kill her.

8 D.L. immediately reported this abuse to her mother, who in turn, reported to the police.
9 At approximately 5:30 pm, on July 17, 2015, Defendant was observed leaving 3492 Pinon
10 Peak Drive in a black Chevrolet Suburban. Officer J. Blasko and Officer C. Fulwiler
11 apprehended Defendant at that time and arrested him for Open and Gross Lewdness. Officer
12 Fulwiler read Defendant his Miranda rights and the Defendant indicated he understood his
13 rights. He then told Officer Fulwiler that he lived at 3492 Pinon Peak Drive, and that there
14 may or may not be a shotgun inside his bedroom closet. He also told officers that there could
15 be a picture of Divina on his phone and that the last time he looked the photo was downloading
16 but he wasn't sure what it was.

17 Upon Defendant's arrest, Jones gave officers consent to search her vehicle and signed
18 a consent to search card. See Defendant's Motion at 16. During the search, officers lawfully
19 seized Defendant's cellular telephone. They then prepared an Application and Affidavit for
20 Search Warrant Electronic which was signed by Judge Sciscento.

21 On August 7, 2015, Detective Embry listened to a phone call from Defendant to Josie
22 Jones which was placed from the Clark County Detention Center. In that call, Defendant
23 repeatedly denied the allegations and said D.L. was lying. Jones made it perfectly clear that
24 she believed her daughter's accusations. She said that she had moved out and never wanted
25 to speak to Defendant again.

26 ///

27 ///

28 ///

1 A subsequent forensic analysis of Defendant's cellular telephone revealed 3 photos that
2 appeared to be taken through a window screen showing D.L. in her bathroom in various stages
3 of undress. The photos were dated 4/21/2015 at 21:14, 3/23/2015 at 18:57 and 3/9/2015 at
4 20:59.

5 Argument

6 The defendant requests that the State produce, for his review, the personnel files of Las
7 Vegas Metropolitan Police officer J. Blasko, Detective B. Embrey, and Detective D. Shane.
8 His motion should be denied.

9 Due process mandates the disclosure of favorable evidence, material for impeachment
10 or exculpatory purposes, to an accused. Brady v. Maryland, 373 U.S. 83 (1963); United States
11 v. Pitt, 717 F.2d 1334, 1339 (11th Cir. 1983). Prosecutors or their designees are obliged to
12 examine an officer's personnel file for any so-called "Brady information." See United States
13 v. Henthorn, 931 F.2d 29, 31 (9th Cir. 1990); see also United States v. Santiago, 46 F.3d 885,
14 895 (9th Cir. 1995). However, "the [personnel] files need not be furnished to the defendant or
15 the court unless they contain information that is or may be material to the defendant's case."
16 Id. Of course, "if the prosecution is uncertain about the materiality of information within its
17 possession, it may submit the information to the trial court for an in camera inspection and
18 evaluation..." Id. at 30-31.

19 Consistent with Henthorn, the Nevada Supreme Court held that the State must only
20 produce information from an officer's personnel file if the information has impeachment or
21 exculpatory value. Sonner v. State, 112 Nev. 1328, 1340-41, 930 P.2d 707, 715 (1996).
22 However, unlike Henthorn, the State has no duty to inspect and produce information from the
23 personnel files unless the defendant has *first* "advance[d]some factual predicate which makes
24 it reasonably likely the requested file will bear information material to his or her defense." Id.
25 (citations omitted). Without an adequate factual predicate, "[t]he State is under no obligation
26 to accommodate a defendant's desire to flail about in a fishing expedition to try to find a basis
27 for discrediting a victim." Id. Thus, because Sonner only requested "the [trooper's] personnel
28

1 records in order to rebut State evidence of [his] value as a law enforcement officer and an
2 individual,” disclosure of the trooper’s personnel files was not warranted. Id. at 1340.

3 Similarly, here, the defendant fails to advance an adequate factual predicate justifying
4 discovery of the above-named officers’ personnel files. The defendant simply opines that the
5 officers falsified evidence to implicate him, withheld evidence that would exculpate him, and
6 generally violated his constitutional rights. Based upon his opinion, he “questions... the
7 history of such of these officers’ past conduct pertaining to allegations such as these,” Deft.’s
8 Mot. at 3-4, and would like to search the personnel files for any corroborating evidence. The
9 defendant has made no showing that there is likely to be such information in the personnel
10 files. Having failed to advance any *facts* supporting his opinion of the officers’ misfeasance,
11 the defendant’s motion must be denied.

12 Conclusion

13 The defendant is required to advance a foundation that the personnel files of the officers
14 are likely to bear information material to the defense. His motion is simply an attempt to fish
15 for information. As a result, the motion should be denied.

16
17 DATED this 16th day of October, 2018.

18 Respectfully submitted,

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

21
22 BY s/ Jeffrey S. Rogan
JEFFREY S. ROGAN
23 Chief Deputy District Attorney
Nevada Bar #10734
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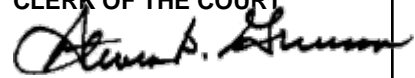
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of the foregoing Opposition was made this 17th day of October, 2018, by facsimile transmission to:

LEONARD WOODS, #1901705
Clark County Detention Center – South Tower
330 South Casino Center Blvd.
Las Vegas, NV 89101
Fax No. (702) 671-3934

BY s/ Jeffrey S. Rogan
JEFFREY S. ROGAN
Chief Deputy District Attorney
Nevada Bar #10734

JSR/a/BCU



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 WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO
DISMISS MURDER CHARGE**

DATE OF HEARING: 10/18/2018
TIME OF HEARING: 9:00 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 Dismiss Murder Charge.

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

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POINTS AND AUTHORITIES

Statement of Facts

On August 5, 2015, at approximately 8:20 P.M., Defendant brutally murdered his ex-girlfriend, Josie Jones, by stabbing her multiple times while in a Walgreens parking lot located at the intersection of Tropicana and Decatur. As she lay dying, Defendant stood over her and said, "I said I would get you bitch, I got you, you fucking bitch." He was also heard saying, "Fuck you bitch, I told you I would find you!" Defendant subsequently fled the scene in a vehicle. Josie's fifteen year-old daughter, D.L., witnessed the attack and identified Defendant as her mother's killer.

Subsequent to the murder, Crime Scene Analysts from the Las Vegas Metropolitan Police Department processed the scene. CSA Fletcher took digital images of the scene, to include the victim's purse. While processing the purse, a business card in the name of LVMPD Detective D. Shane, with Event #150717-2118 was found. Detective Shane was a Special Victim's Unit detective at the time.

Later that evening, LVMPD Homicide Detective Rob Wilson, obtained a recorded statement from Christina Delpino. Delpino relayed to Detective Wilson that the victim's ex-boyfriend, Leonard Woods, hereinafter "Defendant", had molested her daughter D.L. and that photos of D.L.'s breasts had been found in Defendant's phone. Delpino said that Defendant had been arrested for Open and Gross Lewdness and had been in custody for 4 days. Delpino said that during those 4 days, Josie Jones had moved out of the house she shared with Defendant. Delpino also said that once Defendant was released from custody, he was actively looking for Josie.

On August 6, 2015, LVMPD Detective Buddy Embrey researched event #150171-2118, where D.L. was a victim of Open and Gross Lewdness. There, D.L. reported that Defendant had accused her of taking nude photos of herself. When she denied Defendant's accusation, Defendant said he would tell her mom, Josie Jones, that she was taking the photos. D.L. began to walk away from Defendant when he wrapped his arms around her, lifted up her shirt and proceeded to grab her bare breasts with both of his hands. D.L. eventually broke free

1 and ran to her room. Defendant came to her room and offered her \$20.00 and special privileges
2 to keep quiet about what he had done. He also demanded that she take a photo of her bare
3 breasts and send it to him. He said that if she didn't do as he said, he would kill her and her
4 mom, would burn the house down and would then kill himself. D.L. reported that she then
5 took the photo and sent it to Defendant's phone. During the course of that interview, D.L. also
6 said that Defendant repeatedly threatened her mother, saying that if she ever left him he would
7 kill her.

8 D.L. immediately reported this abuse to her mother, who in turn, reported to the police.
9 At approximately 5:30 pm, on July 17, 2015, Defendant was observed leaving 3492 Pinon
10 Peak Drive in a black Chevrolet Suburban. Officer J. Blasko and Officer C. Fulwiler
11 apprehended Defendant at that time and arrested him for Open and Gross Lewdness. Officer
12 Fulwiler read Defendant his Miranda rights and the Defendant indicated he understood his
13 rights. He then told Officer Fulwiler that he lived at 3492 Pinon Peak Drive, and that there
14 may or may not be a shotgun inside his bedroom closet. He also told officers that there could
15 be a picture of Divina on his phone and that the last time he looked the photo was downloading
16 but he wasn't sure what it was.

17 Upon Defendant's arrest, Jones gave officers consent to search her vehicle and signed
18 a consent to search card. See Defendant's Motion at 16. During the search, officers lawfully
19 seized Defendant's cellular telephone. They then prepared an Application and Affidavit for
20 Search Warrant Electronic which was signed by Judge Sciscento.

21 On August 7, 2015, Detective Embry listened to a phone call from Defendant to Josie
22 Jones which was placed from the Clark County Detention Center. In that call, Defendant
23 repeatedly denied the allegations and said D.L. was lying. Jones made it perfectly clear that
24 she believed her daughter's accusations. She said that she had moved out and never wanted
25 to speak to Defendant again.

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1 A subsequent forensic analysis of Defendant's cellular telephone revealed 3 photos that
2 appeared to be taken through a window screen showing D.L. in her bathroom in various stages
3 of undress. The photos were dated 4/21/2015 at 21:14, 3/23/2015 at 18:57 and 3/9/2015 at
4 20:59.

5 Argument

6 The defendant alleges that Count 1, Murder, should be dismissed because the police
7 investigators failed to "preserve potentially exculpatory evidence..." Deft.'s Mot. at 6.¹
8 Specifically, he alleges that the police failed to collect: (1) the cell phone of the minor child,
9 D.L., who made allegations of sexual abuse against the defendant, and (2) a purse belonging
10 to the victim, Josie Jones. Defendant's allegations are without merit.

11 In Daniels v. State, 114 Nev. 261, 956 P.2d 115 (1998), the Nevada Supreme Court
12 held that "although police officers generally have no duty to collect all potential evidence from
13 a crime scene... this rule is not absolute." 114 Nev. at 268 (citations omitted). If a defendant
14 "show[s] that the [uncollected] evidence was 'material,' meaning that there is a reasonable
15 probability that, had the evidence been available to the defense, the result of the proceedings
16 would have been different... then the court must determine whether the failure to gather
17 evidence was the result of mere negligence, gross negligence, or a bad faith attempt to
18 prejudice the defendant's case." Id. The Court may dismiss the charge or charges against the
19 defendant only "in cases of bad faith... based upon an evaluation of the case as a whole." Id.

20 Here, the defendant has not established that the allegedly uncollected evidence is
21 material. See State v. Ware, 118 N.M. 319, 881 P.2d 679, 685 (N.M. 1994) ("The
22 determination of evidence materiality is a question of law for the court."). Indeed, he fails to
23 specifically allege how D.L.'s cell phone or Josie Jones's purse would aid his defense in any
24 manner. Thus, the allegations are "mere speculation" on the part of the defendant. See
25 Randolph v. State, 117 Nev. 970, 987, 36 P.3d 424, 435 (2001) (rejecting a defendant's

26 ¹ The defendant also recites a litany of complaints about other aspects of the police investigation, as
27 well as the conduct of the prosecutors and his prior attorneys; however, his argument is unclear, and
28 he neither supported his allegations with affidavits nor did he cite points and authorities as to why
the alleged errors justify dismissal. E.D.C.R. 3.20(b). As such, the State will not respond to his
specious arguments unless otherwise directed by this Court.

1 argument that evidence “would have been favorable to his case” as “mere speculation” where
2 he offered no evidence to support his assertions).

3 Moreover, even assuming that the cell phone and purse were material, the defendant
4 has not demonstrated that the police investigators acted in bad faith when they did not collect
5 the items. There is simply no evidence that the police deliberately failed to collect the cell
6 phone and purse “in an attempt to make it unavailable” to the defendant. See Sheriff v. Warner,
7 112 Nev. 1234, 1240, 926 P.2d 775 (1996) (finding that the loss of evidence did not result
8 from bad faith when “there [was] no indication that the police destroyed the evidence to make
9 it unavailable...”).

10 Conclusion

11 For the foregoing reasons, the defendant’s motion should be denied.

12
13 DATED this 16th day of October, 2018.

14 Respectfully submitted,

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

17
18 BY s/ Jeffrey S. Rogan
JEFFREY S. ROGAN
19 Chief Deputy District Attorney
Nevada Bar #10734

20 **CERTIFICATE OF FACSIMILE TRANSMISSION**

21 I hereby certify that service of the foregoing Opposition was made this 17th day of
22 October, 2018, by facsimile transmission to:

23 LEONARD WOODS, #1901705
24 Clark County Detention Center – South Tower
330 South Casino Center Blvd.
25 Las Vegas, NV 89101
Fax No. (702) 671-3934

26 BY s/ Jeffrey S. Rogan
JEFFREY S. ROGAN
27 Chief Deputy District Attorney
28 Nevada Bar #10734

JSR/a/BCU

OCT 24 2018

BY Kory Schlitz
KORY SCHLITZ, DEPUTY

1 NOTC

6 *Attorneys for Defendant*

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,)

10 Plaintiff,)

11 v.)

12 LEONARD RAY WOODS,)

13 Defendant,)

CASE NO. C-15-309820-1

DEPT. NO. III

14 DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234

15 TO: CLARK COUNTY DISTRICT ATTORNEY:

16 You, and each of you, will please take notice that the Defendant, LEONARD
17 RAY WOODS, intends to call the following witness in his case in chief:

- 18 1) Mr. Woods incorporates by reference all witnesses in the Information and Notice of
19 Witnesses filed by the Clark County District Attorney.

20
21
22
23
24
25
26 C-15-309820-1
NOOW
Notice of Witnesses
4791113



WITNESSES

MORRIS ATKINSON - Aunt - 6728 OREGON TRAIL, ARLINGTON, TX 76002

PRISCILLA JOHNSON - FRIEND - 10544 CAMINITO RIMINI, SAN DIEGO CA 92129

ANISSA McCLARON - FRIEND - 4300 NEWTON AVE #82, SAN DIEGO CA 92113
3008 FRANKLIN AVE, SAN DIEGO CA 92113 (619) 675-6053

JENNIFER WOODSON - FRIEND - 4758 LOGAN AVE #F SAN DIEGO CA 92113

6343 CLYDE AVE. San Diego CA

JAKAH CROWDER - COUSIN - 419 S. 46TH ST. San Diego CA 92113 (619) 306-1923

D'ANDRE KNIGHT - FRIEND - 2315 SHAMROCK ST. SAN DIEGO CA 92115

STEVEN MILLER - COUSIN - 316 HART DR #13 EL CAJON CA 92021

ADRIENNE CONEY - FRIEND - (619) 721-6003

ANTHONY P. LEAL - 418 E. DETROIT AVE OKLAHOMA, PONCA CITY 74601
(ABSOLUTE TRAFFIC CONTROL)

RENA TAYLOR - 418 E. DETROIT AVE OKLAHOMA, PONCA CITY 74601
(ABSOLUTE TRAFFIC CONTROL)
OWNER?

DORIAN (LEAL?) - 313 KINDS CANYON DRIVE YUKON, OKLAHOMA 73099-573
(TONY'S COUSIN JOSIE STAYED WITH AFTER PINON PEAK)

EMILY REEDER - 309 S. 3RD ST LV, NV ~~89155~~ 89155 (702) 455-0348 / 455-4685

GARLAND CALHOUN - 5419 W. TROPICANA AVE #2316 LV NV 89103

ASHLEIGH WILLIAMS - 4921 RIVER GLEN DR #22 LV NV 89103

CHRISTINA DELPRADO - 2920 MEADOW FLOWER AVE LV NV 89031

OCT 24 2018

1 MTDC

2 Leonard Woods, in Properia Persona

3 330 Casino Center Blvd. (CCDC) Las Vegas, NV 89101

4 Attorney-in-fact for DEFENDANT

BY: Kory Schltz
KORY SCHLTZ, DEPUTY

5

6 EIGHTH JUDICIAL DISTRICT COURT
7 CLARK COUNTY, NEVADA

8

9 STATE OF NEVADA
10 PLAINTIFF

CASE NO: C-15-309820-1
DEPT NO: 3

11 v.
12 LEONARD WOODS
13 DEFENDANT

HEARING DATE:
HEARING TIME:

14

15 MOTION TO DISMISS COUNTS 2-7

16

17 COMES NOW, the DEFENDANT, LEONARD WOODS by and
18 through Leonard Woods Attorney-in-fact, Properia Persona,
19 respectfully requests this Honorable Court to grant this MOTION
20 TO DISMISS COUNTS 2-7 as a product of an invalid search, seizure
21 under false pretenses, violation of proper chain of custody, invalid
22 warrant procedure, fabrication of evidence, fruit of the poisonous tree
23 evidence, unreasonable delay in obtaining warrant, and other applicable
24 offenses.

25 This motion is made and based upon the any pleadings and
26 papers contained herein, the Declaration of Counsel attached
27 hereto, and any oral argument of counsel at the time of the
28 hearing for this matter, if desired by this Honorable Court.

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31 DATED this 22nd day of October, 2018

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C-15-309820-1
MDSM
Motion to Dismiss
4791114



X Leonard Woods

Leonard Woods, Properia Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

FACTUAL ALLEGATIONS

On July 17, 2015 about 4:45 pm, WOODS was pulled over on a traffic stop by LVMPD officers C. Fulwiler and L. Reyes. After exiting the vehicle he was driving, WOODS was told that a warrant had been issued to search the premises of one of his girl friends who lived at 3492 Pinon Peak Dr. and he was to be detained until that warrant was secured. WOODS was asked if he knew of any guns that were at that address to which WOODS replied "If there are, I don't know nothing about them." About 9:30 pm after being detained almost 5 hours without being mirandized, WOODS was told that he was being arrested for ex-felon in possession of firearms and open and gross lewdness. WOODS later learned that Josie Jones, girl friend (who at that present time was wanted on two outstanding felony fugitive warrants out of San Diego, California) had told police that the guns in the residence she was staying in belonged to WOODS and that Diving Leal (Jones' daughter) said that WOODS had touched her inappropriately. WOODS then later learned that the warrant was issued for firearms and the warrant search turned up 2 firearms and ammunition. Warrant was not applied for nor issued for a cell phone. A cell phone was not logged in as any of the items found as a result of this warrant or warrant search. Around 10 pm WOODS was booked into the Clark County Detention Center on charges of open and gross lewdness and ex-felon in possession of firearms.

ARGUMENT

Search warrants designate a specific window of time during which the search must take place. Afterward, police must in a timely manner file a document with the court called a "search warrant return" that lists exactly what was seized. It is then the judge's responsibility to review the seizure to make sure that the police acted within the parameters of the warrant.

Applications must identify the places to be searched and the items to be seized "with particularity", and search warrants limit officers to those places and items.

"When officers fail to seek a search warrant, at some point

1
2 the delay becomes unreasonable and is actionable under the
3 Fourth Amendment "U.S. v. Mitchell, 565 F.3d 1347, 1350 (11th Cir 2009)
4 In Mitchell, the Eleventh Circuit considered a
5 considerably less extensive delay than that is present here in
6 obtaining a warrant for the search of a hard drive - 21 days -
7 and held that, under the circumstances of that case, the delay
8 in obtaining a search warrant was unreasonable, thus violating
9 the Fourth Amendment and requiring the suppression of the fruits
10 of the search of the hard drive.

11 Here, there was a 21-day delay in obtaining the August 7,
12 2015 warrant, which remained unexecuted, a 38-day delay until
13 cell phone was searched (Aug. 24, 2015) and a 57-day delay until
14 WOODS was actually charged with the evidence found in the
15 phone (Sept. 12, 2015)

16 A seizure reasonable at its inception because based on probable
17 cause may become unreasonable as a result of its duration. U.S. v.
18 Burgard, 675 F.3d 1029, 1032 (7th Cir. 2011)

19 The delay in obtaining a search warrant for cell phone
20 rendered its seizure unreasonable under the Fourth Amendment,
21 requiring all fruits of the searches of those items to be suppressed.

22 Officer J. Blasko violates the law when he fraudulently altered the
23 consent to search card when he led the vehicle's owner and the
24 courts to believe that the cell phone he sought was part of a
25 previously issued warrant by judge Hafen, which it was not. Then
26 continued to violate the proper chain of custody.

27 Detective D. Shane violates the Fourth Amendment when he
28 unreasonably delayed obtaining a warrant for the search of the cell
29 phone and hard drive. On page 2 of the Search Warrant Electronic
30 Storage Device, he is commanded to "...prepare a written inventory
31 of the property seized, and make a return to me within (10) days" by the
32 judge that signed warrant which D. Shane does not follow proper procedure
33 when he fails to do so. Forensic evidence on phone was completed and
34 given to Shane by J. Darr #3741 on Aug. 24, 2015 well after the 10-day
35 return notice and still did not inventory property and make the return
36 to the judge. Det. Shane also never provides evidence that WOODS took or
37 ever saw these pictures.

38 "

39 "

CONCLUSION

Officer J. Blasko and Det. D. Shane clearly violate the and Woods' Fourth Amendment rights when they fail to follow the correct warrant procedures. According to Nevada law, these violations make their search efforts and findings fall under the "fruit of the poisonous tree" doctrine.

The defense requests that this Honorable Court grant this motion to dismiss counts 2-7.

DATED this 22nd day of October, 2018

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 U.S.C 1746 and 18 U.S.C 1621

DATED this 22nd day of October, 2018

X Leonard Woods

Leonard Woods, Properia Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

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1 MFBH

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

2 Leonard Woods, in Propria Persona

3 330 Casino Center Blvd. (CCOC) Las Vegas, NV 89101

OCT 24 2018

4 Attorney-in-fact for DEFENDANT

BY

Kory Schlitz, DEPUTY

5

6 EIGHTH JUDICIAL DISTRICT COURT

7

8 STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-309820-1
DEPT NO: 3

9

v.
LEONARD WOODS

HEARING DATE:
HEARING TIME:

10

DEFENDANT

11

12

13

MOTION FOR BAIL HEARING

14

15

COMES NOW, the DEFENDANT, LEONARD WOODS by and through

16

Leonard Woods Attorney-in-fact, Propria Persona, respectfully

17

requests this Honorable Court to grant this Motion For Bail

18

Hearing based on and upon the any pleadings and papers

19

contained herein, the Declaration of Counsel attached hereto,

20

and any oral argument of counsel at the time of the hearing

21

for this matter, if desired by this Honorable Court.

22

23

DATED this 22nd day of October, 2018

24

25

x Leonard Woods

3

26

C-15-309820-1
MOT
Motion
4791115

Leonard Woods, Propria

27

Attorney-in-fact for

28

Third Party Int

FACTUAL BACKGROUND

Since October 6, 2015 WOODS has never been given a bail or bail hearing. Mostly due to the fact that his previous counsel had never filed the motion on his behalf. After several inquiries and pleadings WOODS was told by counsel (Jordan Savage) that not everyone is eligible for bail. After reading up on this WOODS found out that every accused person is indeed eligible for bail and a bail hearing except in very specific special circumstances that WOODS doesn't fall under. So why his previous counsel never filed a bail motion on his behalf is still unclear to WOODS.

ARGUMENT

WOODS is indeed eligible for bail and a bail hearing that should have been filed years ago. It would be unjust and unfair to WOODS not to receive the same due diligence as everyone else who has filed and is eligible for bail and a bail hearing.

CONCLUSION

WOODS now files with this Honorable Court in Properia Persona to be granted a bail hearing and prays that this Honorable Court will grant this motion for bail hearing

DATED this 22nd day of October, 2018

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 U.S.C 1746 and 18 U.S.C 1621

DATED this 22nd day of October, 2018

X Leonard Woods

Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

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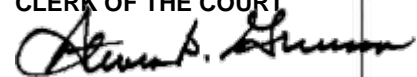
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ORDR

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

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD WOODS,
#1901705

Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

ORDER GRANTING AND DENYING DEFENDANT'S PRO PER MOTIONS

DATE OF HEARING: 10/10/2018
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 10th day of October, 2018, the Defendant being present, IN PROPER PERSON and Deputy Public Defender, KATHLEEN HAMNERS, ESQ. as standby counsel, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through MICHELLE FLECK, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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1 DEFENDANT'S PRO PER MOTION TO SEVER... Defendant argued in support of
2 the Motion, stating this was double jeopardy. Ms. Fleck argued the open and gross charge
3 leads to murder charge and they are connected together and would be cross admissible at
4 separate trials. COURT STATED ITS FINDINGS, and ORDERED Motion DENIED IN
5 PART; and GRANTED IN PART; with regards to COUNT 9 and COUNT 10 will be
6 BIFURCATED at the time of trial.

7 DEFENDANT'S PRO PER MOTION TO DISMISS THE CHARGE OF
8 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON... Matter
9 argued and submitted. COURT STATED ITS FINDINGS, and ORDERED Motion to
10 Dismiss DENIED.

11 DEFENDANT'S PRO PER MOTION TO SUPPRESS ARREST... Defendant argued
12 in support of the Motion, stating if he has committed the act he would have been on the road,
13 and does not have any blood or a murder weapon in his possession, adding there was no
14 probable cause for the Officer to stop him in the first place. Ms. Fleck argued against the
15 Motion, stating there is no evidence to suggest as the Defendant stated it occurred, adding the
16 Defendant will have an opportunity to question the Offers and the Jury will determine the
17 credibility and requested the Motion be denied. COURT STATED ITS FINDINGS, and
18 ORDERED, Motion DENIED.

19 DEFENDANT'S PRO PER MOTION FOR DISCOVERY PURSUANT TO NRS
20 174.235... Defendant requested anything that in his name in this case. COURT ADVISED
21 that has nothing to do with the criminal case, and ORDERED Motion DENIED.

22 DATED this 23rd day of October, 2018.

23
24 
DISTRICT JUDGE

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

26 BY



27 MICHELLE FLECK
Chief Deputy District Attorney
Nevada Bar #010040

28 ///

CERTIFICATE OF SERVICE

I certify that on the 24th day of October, 2018, I mailed a copy of the foregoing Order
to:

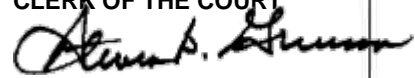
Leonard Woods #1901705

Clark County Detention Center

330 Casino Center Blvd, Las Vegas, NV 89101

BY /s/ Stephanie Johnson
Secretary for the District Attorney's Office

15F11579X/saj/MVU



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 WOODS,
#1901705
Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO
DISMISS COUNTS 2-7**

DATE OF HEARING: 11/1/2018
TIME OF HEARING: 9:00 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 Dismiss Counts 2 - 7.

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

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POINTS AND AUTHORITIES

Statement of Facts

On August 5, 2015, at approximately 8:20 P.M., Defendant brutally murdered his ex-girlfriend, Josie Jones, by stabbing her multiple times while in a Walgreens parking lot located at the intersection of Tropicana and Decatur. As she lay dying, Defendant stood over her and said, "I said I would get you bitch, I got you, you fucking bitch." He was also heard saying, "Fuck you bitch, I told you I would find you!" Defendant subsequently fled the scene in a vehicle. Josie's fifteen year-old daughter, D.L., witnessed the attack and identified Defendant as her mother's killer.

Subsequent to the murder, Crime Scene Analysts from the Las Vegas Metropolitan Police Department processed the scene. CSA Fletcher took digital images of the scene, to include the victim's purse. While processing the purse, a business card in the name of LVMPD Detective D. Shane, with Event #150717-2118 was found. Detective Shane was a Special Victim's Unit detective at the time.

Later that evening, LVMPD Homicide Detective Rob Wilson, obtained a recorded statement from Christina Delpino. Delpino relayed to Detective Wilson that the victim's ex-boyfriend, Leonard Woods, hereinafter "Defendant", had molested her daughter D.L. and that photos of D.L.'s breasts had been found in Defendant's phone. Delpino said that Defendant had been arrested for Open and Gross Lewdness and had been in custody for 4 days. Delpino said that during those 4 days, Josie Jones had moved out of the house she shared with Defendant. Delpino also said that once Defendant was released from custody, he was actively looking for Josie.

On August 6, 2015, LVMPD Detective Buddy Embrey researched event #150171-2118, where D.L. was a victim of Open and Gross Lewdness. There, D.L. reported that Defendant had accused her of taking nude photos of herself. When she denied Defendant's accusation, Defendant said he would tell her mom, Josie Jones, that she was taking the photos. D.L. began to walk away from Defendant when he wrapped his arms around her, lifted up her shirt and proceeded to grab her bare breasts with both of his hands. D.L. eventually broke free

1 and ran to her room. Defendant came to her room and offered her \$20.00 and special privileges
2 to keep quiet about what he had done. He also demanded that she take a photo of her bare
3 breasts and send it to him. He said that if she didn't do as he said, he would kill her and her
4 mom, would burn the house down and would then kill himself. D.L. reported that she then
5 took the photo and sent it to Defendant's phone. During the course of that interview, D.L. also
6 said that Defendant repeatedly threatened her mother, saying that if she ever left him he would
7 kill her.

8 D.L. immediately reported this abuse to her mother, who in turn, reported to the police.
9 At approximately 5:30 pm, on July 17, 2015, Defendant was observed leaving 3492 Pinon
10 Peak Drive in a black Chevrolet Suburban. Officer J. Blasko and Officer C. Fulwiler
11 apprehended Defendant at that time and arrested him for Open and Gross Lewdness. Officer
12 Fulwiler read Defendant his Miranda rights and the Defendant indicated he understood his
13 rights. He then told Officer Fulwiler that he lived at 3492 Pinon Peak Drive, and that there
14 may or may not be a shotgun inside his bedroom closet. He also told officers that there could
15 be a picture of Divina on his phone and that the last time he looked the photo was downloading
16 but he wasn't sure what it was.

17 Upon Defendant's arrest, Jones gave officers consent to search her vehicle and signed
18 a consent to search card. During the search, officers lawfully seized Defendant's cellular
19 telephone. The defendant was thereafter incarcerated from July 17, 2015, to July 20, 2015.

20 On August 6, 2015, detectives prepared an Application and Affidavit for Search
21 Warrant Electronic which was signed by Judge Sciscento.

22 On August 7, 2015, Detective Embry listened to a phone call from Defendant to Josie
23 Jones which was placed from the Clark County Detention Center. In that call, Defendant
24 repeatedly denied the allegations and said D.L. was lying. Jones made it perfectly clear that
25 she believed her daughter's accusations. She said that she had moved out and never wanted
26 to speak to Defendant again.

27 ///

28 ///

1 ///

2 A subsequent forensic analysis of Defendant's cellular telephone revealed 3 photos that
3 appeared to be taken through a window screen showing D.L. in her bathroom in various stages
4 of undress. The photos were dated 4/21/2015 at 21:14, 3/23/2015 at 18:57 and 3/9/2015 at
5 20:59.

6 Argument

7 The defendant asks the Court to dismiss Counts 2-7. He argues that the police violated
8 the Fourth Amendment when they did not obtain a warrant to search his cellular phone within
9 a reasonable period of time after its seizure on July 17, 2015. This unreasonable delay, he
10 contends, interfered with his possessory interest in the cellular phone, which is protected by
11 the Fourth Amendment. Defendant's contention is without merit.

12 A. The Defendant's Cell Phone was Lawfully Seized and Lawfully Searched

13 The Fourth Amendment "protects the people from unreasonable searches and seizures
14 of 'their persons, houses, papers, and effects.'" Soldal v. Cook County, 506 U.S. 56, 62 (1992).
15 The Amendment thereby

16 protects two types of expectations, one involving 'searches,' the other 'seizures.'
17 A 'search' occurs when an expectation of privacy that society is prepared to
18 consider reasonable is infringed. A 'seizure' of property occurs when there is
19 some meaningful interference with an individual's possessory interests in that
property.

20 United States v. Jacobsen, 466 U.S. 109, 113 (1984). Thus, "... the Amendment protects
21 property as well as privacy." Soldal, 506 U.S. at 62.

22 In this case, the defendant's cellular phone was lawfully seized by police after his minor
23 victim, D.L., made an allegation of sexual abuse against the defendant. According to the July
24 17, 2015, Declaration of Arrest, D.L. levied several other disturbing accusations against the
25 defendant, including that he had surreptitiously taken a photograph of D.L. while she was
26 naked, and also that he coerced her to "send him a picture of her bare chest [to which D.L.]
27 reluctantly complied and sent the picture..." 7/17/2015 Decl. of Arrest at 1-2 (attached hereto
28

1 as Exhibit 1). When placed in custody on the evening of July 17, 2015, the defendant
2 corroborated D.L.'s claims by telling officers that

3 there could be a picture of [D.L.] on my phone. The last time I looked on my
4 phone a few minutes ago, it was downloading a photo from [D.L.]. Not sure
what it was.

5 Id. at 3. Pursuant to a consensual search of D.L.'s mother's car, police then seized the
6 defendant's cell phone and impounded it "for detectives to follow up on..." Id.

7 Similarly, the cell phone was lawfully searched after the police properly obtained a
8 signed warrant from an impartial magistrate, supported by probable cause, and which
9 particularly described the item to be searched. United States v. Leon, 468 U.S. 897 (1984).
10 Indeed, the defendant contests neither the initial seizure nor the subsequent search of the
11 phone.

12 B. Any Delay in Obtaining a Search Warrant did not Infringe on the Defendant's
13 Possessory Interest in the Cell Phone

14 Despite the lawfulness of the initial seizure of the phone, the defendant relies upon an
15 Eleventh Circuit decision, United States v. Mitchell, 565 F.3d 1347 (2009), for the proposition
16 that the seizure "nevertheless violate[d] the Fourth Amendment because its manner of
17 execution unreasonably infringe[d] possessory interests protected by the Fourth Amendment's
18 prohibition on 'unreasonable seizures.'" See Jacobsen, 466 U.S. at 124.

19 In Mitchell, the Eleventh Circuit considered whether it was reasonable for government
20 investigators to wait twenty-one days before obtaining a search warrant following the seizure
21 of a hard drive believed to possess child pornography. 565 F.3d at 1350-53. Relying primarily
22 on the Supreme Court decision in Jacobsen, supra, the Mitchell Court stated that a lawful
23 "seizure based upon probable cause" can ripen into an unconstitutional interference with an
24 individual's possessory property interest when a "careful balancing of governmental and
25 private interests" in light of all the facts and circumstances of the case reveals that the delay
26 in obtaining a search warrant was unreasonable. Id. at 1350-51, citing Soldal v. Cook County,
27 506 U.S. 56, 71 (1992).
28

1 Examining the governmental and private interests, the Eleventh Circuit found that there
2 exists a robust personal possessory interest in a hard drive, as “[c]omputers are relied upon
3 heavily for personal and business use[;]” on the other hand, the government’s stated reason
4 for the delay was that the investigator saw no “sense of urgency” in conducting the search
5 because (1) he left for a two-week training program a few days after the seizure of the hard
6 drive, and (2) Mitchell had admitted to him that “the hard drive contained child pornography.”
7 Id. at 1351. Balancing the government and private interests, the Court concluded that the delay
8 was unreasonable.

9 The defendant’s reliance on Mitchell, however, is misplaced. Crucial to the Eleventh
10 Circuit’s decision was the likening of a hard drive to a container. Containers, of course, usually
11 possess no evidentiary value, but are merely vessels to be searched for the presence or absence
12 of incriminating evidence. Thus, “the purpose of securing a search warrant” relatively quickly
13 after a suspect is dispossessed of a container (or hard drive) “is to ensure its prompt return
14 should the search reveal no such incriminating evidence...(unless [the container] had some
15 other evidentiary value).” Mitchell, 565 F.3d 1352 (emphasis added). Naturally, if a
16 container possesses independent evidentiary value beyond its status as a vessel to be searched,
17 a defendant cannot claim that the police unconstitutionally interfered with his possessory
18 interest in that container. See id.

19 Here, the defendant’s cellular phone possessed other evidentiary value beyond the
20 contents of its hard drive. According to D.L., the defendant coerced her into taking a
21 photograph of her naked breasts and sending that photograph from her cellular phone to his.
22 Ex. 1. Upon his arrest, the defendant was in possession of his cellular phone, and admitted
23 contemporaneously that “there could be a picture of [D.L.] on my phone. The last time I looked
24 on my phone a few minutes ago, it was downloading a photo from [D.L.]. Not sure what it
25 was.” Id. The defendant’s admissions, coupled with his possession of the cellular phone,
26 corroborates D.L.’s claims and lends credibility to her accusations irrespective of the contents
27 of the phone itself.
28

1 The defendant's possession of the phone is akin to a murder suspect's possession of a
2 firearm shortly after a victim suffers a fatal gunshot wound. Even if a forensic examination
3 may not link the suspect's gun directly to the murder – because, for example, a comparison
4 cannot be completed due to the fact that the injury-causing bullet is never recovered from the
5 victim's body – the suspect's possession of the firearm around the time of the murder, coupled
6 with other circumstantial and direct evidence, would be strong evidence of the suspect's
7 culpability. Conversely, evidence that the suspect did not possess a firearm shortly after the
8 shooting would be strong evidence of the suspect's innocence. Similarly, here, the defendant's
9 possession of the cellular phone, coupled with other direct and circumstantial evidence (such
10 as his statement to the police), will strongly support a finding that he committed an Open and
11 Gross Lewdness upon D.L.

12 Even if the defendant's cellular phone had no independent evidentiary value, the delay
13 in obtaining the search warrant was reasonable. When applying the "reasonableness"
14 balancing test, the court must take into consideration the complete facts and circumstances of
15 the case, including the defendant's custodial status, United States v. Sullivan, 797 F.3d 623
16 (9th Cir. 2015); whether the defendant sought return of the property, United States v. Johns,
17 469 U.S. 478, 487 (1985); and the available resources of law enforcement, Mitchell, 565 F.3d
18 at 1352-53.

19 Here, although the phone was seized on the evening of July 17, 2015, detectives did
20 not obtain a search warrant until August 6, 2015. However, of that nineteen day period, the
21 defendant was incarcerated for approximately five days (from July 17 to July 20, and then
22 again from August 5, 2015, to the present). "Where individuals are incarcerated and cannot
23 make use of seized property, their possessory interest in that property is reduced." Sullivan,
24 797 F.3d at 633. Moreover, during the fourteen days that he was out of custody, the defendant
25 never sought the return of his cellular phone. Under these circumstances, "an individual who
26 did 'not even allege[], much less prove[], that the delay in the search of packages adversely
27 affected legitimate interests protected by the Fourth Amendment' and 'never sought return of
28 the property' has not made a sufficient showing that the delay was unreasonable." Id., citing

1 Johns, 469 U.S. at 487. Finally, as noted in Exhibit 1, this case was initially investigated by
2 patrol officers; follow-up investigation—including the drafting of a search warrant—was to
3 be completed once available resources of law enforcement could assign a detective to the case.
4 See Mitchell, 565 F.3d at 1352-53. Thus, the delay in obtaining the search warrant cannot be
5 considered unreasonable, especially in light of the fact that the search of the cell phone was
6 ultimately completed by August 20, 2015. See United States v. Ivers, 430 Fed. Appx. 573 (9th
7 Cir. 2011) (unpublished decision) (FBI did not delay in executing search warrant when the
8 FBI searched seized items for contraband within a month of the seizure).

9 Conclusion

10 For the foregoing reasons, the defendant's Motion should be denied.

11
12 DATED this 31st day of October, 2018.

13 Respectfully submitted,

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

17 BY 

18 JEFFREY S. ROGAN
19 Chief Deputy District Attorney
20 Nevada Bar #10734
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1 **CERTIFICATE OF FACSIMILE TRANSMISSION**

2 I hereby certify that service of the foregoing Opposition was made this 17th day of
3 October, 2018, by facsimile transmission to:

4 JULIA MURRAY (Standby Counsel)
5 Fax No. (702) 455-5112
6 murrayjm@ClarkCountyNV.gov

7 LEONARD WOODS, #1901705
8 Clark County Detention Center – South Tower
9 Fax No. (702) 671-3934

10 BY 

11 JEFFREY S. ROGAN
12 Chief Deputy District Attorney
13 Nevada Bar #10734
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JSR/a/BCU

DECLARATION OF ARRESTEvent #: 150715-2118I.D. #: 1901705True Name: LEONARD RAY WOODSDate of Arrest: 07/17/2015Time of Arrest: 21:30**OTHER CHARGES RECOMMENDED FOR CONSIDERATION:**

Other Charges

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of 7 years 5 months.

That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the offense(s) of open and gross lewdness, own possess gun by prohibited person, own possess gun with obliterated serial number at the location of 3492 Pinon Peak Drive Las Vegas, NV 89115, and that the offense(s) occurred at approximately 21:30 hours on the 17th day of July, 2015, in the:

☒ County of Clark☐ City of Las Vegas**DETAILS FOR PROBABLE CAUSE:**

On 07/17/2015 at approximately 1600 hours, I Officer T. Striegel P# 15131 and Officer L. Reyes P# 13129 while operating as a marked patrol unit 3F3, was dispatched to a call for service reference an alleged child molestation upon a juvenile who was 15 years old; the incident occurred at approximately 13:15 hours on 07/17/2015 at the location of 3492 Pinon Peak Drive Las Vegas, NV 89115.

Upon receiving the call, we were redirected to 3420 Hickey Ave. North Las Vegas, NV 89030 where we made contact with the victim, Divina Leal DOB 09/25/1999 and her mother the person reporting Josie Jones DOB 03/26/1974. We first made contact with Divina and she stated to us she had been touched inappropriately by her mother's boyfriend of 9 years who we later identified via a Nevada identification card as Leonard Ray Woods DOB 01/02/1969.

Divina stated that Leonard ID# 1901705 approached her in the kitchen and accused her of taking nude pictures of herself while she was in her bedroom. When she denied that accusation, Leonard stated he had seen Divina through the blinds of her bedroom as he was outside of their residence peering in through Divina's bedroom window through the blinds; Leonard added he had taken a picture of Divina as she was taking pictures of herself.

Divina continues by stating Leonard had threatened to lie to her mother, Josie, that Divina was taking nude pictures of herself in order to publish them on social media accounts. He then threatened Divina that she needed to allow him to see her bare breasts if she did not want him to tell her mother. Divina refused by maintaining her innocence and attempted to leave the kitchen. At that time Leonard walked up to her and confined Divina to the kitchen then wrapped his arms around and underneath Divina's arms from behind as if he was trying to hug her.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Declarant must sign all page(s)
With an original signature.

L. REYES

Print Declarant's Name

Declarant's Signature

13129

P#

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

Event #: 150715-2118

ID#: 1901705

As Leonard was hugging her from behind, he attempted to lift up her shirt, and proceeded to grab Divina's breasts with both of his hands. Divina stated she was not wearing a bra at the time when he grabbed her breasts. Divina slapped Leonard's hands away from her body, broke free of his grasp and ran into her bedroom. Leonard followed her and began to converse with her about what had previously occurred. Leonard offered Divina \$20.00 to keep the incident a secret with a promise of other special privileges not specified.

Divina called her friend, Devyn Hagarty DOB 12/01/1998. During this time Divina and Devyn exchanged several text messages with Divina asking her to pick her up from her home because she was scared and informed Devyn her "stepdad molested her." Divina acted calm like she was going to go swimming with her friend. At this time Leonard re-entered her room, then told Divina she needed to send him a picture of her bare chest or she would not be able to go. Divina reluctantly complied and sent the picture so she could leave.

Leonard stated to Divina if she did not do as he asked, he would kill her mom and Divina and himself and burn their house down. Divina added after he received the picture of her bare breasts, Leonard stated "Those are pretty titties," then allowed her to leave the bedroom and their house in order to be picked up by her friend in an effort to leave. I observed no signs of physical injuries on Divina and she denied needing medical attention; she stated that there was no vaginal, anal, or oral penetration.

After our preliminary investigation with Divina, she revealed to us that she still had the photograph she recently sent to Leonard and would save it on her phone for detectives to follow up on. Also, when Leonard was taken into custody, he informed officers, "There could be a picture of Divina on my phone. The last time I looked on my phone a few minutes ago, it was downloading a photo from Divina. Not sure what it was."

Leonard's cell phone was also impounded as evidence for detectives to follow up on as it was recovered from the inside of the vehicle Leonard was previously driving. The vehicle's registered owner is Josie; she signed consent to search card of her vehicle for officers in order to retrieve the cell phone Leonard utilized while communicating with Divina.

She stated this is the first time this has ever happened to her despite the suggested passing of Leonard trying to persuade Divina to take naked photos of her in the past. Josie informed officers they had been living with Leonard's for the past 9 years. The last 3 months they have all been residing at the aforementioned address, 3492 Pinon Peak Drive. Jones also stated to officers, "now that Leonard is arrested I need to tell you he has guns inside of our house. He has a black handgun and a black pistol grip shotgun with the barrel sawed off. The guns are in his bedroom closet on the shelf wrapped in a blue pillow case with dark blue stripes."

After I conducted an LVMPD Records Query, I discovered Leonard is a prior felon with convictions out of the state of California for: possession of a controlled with intent to sale convicted in 1990, sales/furnish/possess marijuana for sale & felon possession of a firearm convicted in 1992, and robbery convicted in 1994. We also discovered he had failed to register at his current address of 3 months which is also not reflected on his Nevada identification card.

Leonard also has a prior for failing to register as an ex-felon in the state of Nevada. Leonard was subsequently taken into custody by Officer J. Blasko P#15065 and Officer C. Fulwiler P# 9167 at approximately 16:45 hours while they were operating as marked patrol unit 3F1; they were positioned outside Leonard's

Declarant must sign all page(s)
With an original signature.

L. REYES

Print Declarant's Name

Declarant's Signature

13129

P#

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

Event #: 150715-2118

ID#: 1901705

residence as they observed him leaving in a black Chevrolet Suburban bearing Nevada plate 512.AYT. Leonard was placed under arrest at 17:30 hours for the open and gross lewdness charge upon Divina.

At that point in time, Officer Fulwiler read Leonard his Miranda right which were understood by Leonard and he agreed to speak with Officer Fulwiler by stating, "Yes." Officer Fulwiler asked if there were any firearms inside of his residence. Leonard acknowledged that he did in fact reside at 3492 Pinon Peak Drive and "there may or may not be a shotgun" inside of his bedroom closet. Given the facts which were previously stated, Officer Reyes applied for and received an approval for a telephonic search warrant of Leonard's residence for the retrieval of the firearms which were previously disclosed to officers by Josie.

At approximately 21:30 hours, Officer Reyes had in his possession a search warrant for the residence of 3492 Pinon Peak Drive Las Vegas, NV 89115 signed by the honorable Judge C. Hafen which authorized a search of the said premises at any time day or night for the specific items of a black small framed handgun, a pistol grip black pump action shotgun and epithelial cells from the mouth of Leonard Ray Woods ID# 1901705. The approving district attorney for the search warrant was E. Wiborg.

During the search of the said premises, Officer Reyes recovered a black pistol grip shotgun from the bedroom closet of Leonard Ray Woods ID# 1901705. The make and model of this shotgun was a Mossberg 500A 12 gauge with an obliterated partial serial number of 3515. An LVMPD records query revealed no wants and no registration info on the shotgun. Inside of the pillow case which concealed the shotgun was an additional, 56 loose rounds of .380 ammunition.

A black small framed semi-automatic handgun was also recovered from underneath the living room couch wedged in between the seat cushions. I subsequently recovered this handgun from the couch. The make and model of this handgun was Colt MK IV .380 with a serial number of MU31277 plus a 7 round magazine which was inserted into the handgun with 5 .380 rounds loaded into the magazine. An LVMPD records query revealed no wants on the firearm and gun registered information of a John Schoumaker DOB 02/09/1939; unable to contact John as the phone number is no longer in service.

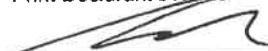
Based on the above facts and circumstances which lead me to believe that Leonard committed the offense of open and gross lewdness upon the person of Divina by groping, rubbing and touching Divina's breast's with both of his hands as he hugged her from behind and later stating to her she has "nice titties" which was sexual in nature; forcing her to take a picture of her bare breast before he allowed her to leave the residence and having her send that photo to his phone, including the fact that officers received a search warrant for Leonard's and Josie's residence in an effort to recover a black small framed handgun and pistol grip black pump action shotgun, which were ultimately recovered Leonard was arrested and transported to CCDC and booked. His handcuffs were double locked and checked for tightness.

No damage to the structure was present during the execution of this search warrant and the residence was turned over to the Josie who resides there with her daughter. Sexual Assault detective SC44, Officer D. Shane p# 6727 was notified and will conduct a follow up investigation with the parties involved. Photographs of the scene and evidence retrieved were documented via photographs and uploaded into DIMS.

Declarant must sign all page(s)
With an original signature.

L. REYES

Print Declarant's Name



Declarant's Signature

1329

P#



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

1 MTCTR

2 Leonard Woods, in Propria Persona

3 330 Casino Center Blvd. (CCDC) Las Vegas, NV 89101

4 Attorney-in-fact for DEFENDANT

WJV 0-1-2018

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6

EIGHTH JUDICIAL DISTRICT COURT

BY:

Kory Schlitz
KORY SCHLITZ, DEPUTY

7

CLARK COUNTY, NEVADA

8

9 STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-309820-1
DEPT NO: 3

10

11 *LEONARD WOODS*
DEFENDANT

HEARING DATE:
HEARING TIME:

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MOTION TO CLARIFY RULING

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X *Leonard Woods*

Leonard Woods, Propria Persona
Attorney-in-fact for DEFENDANT
Third Party Intervenor

ARGUMENT

In WOODS' MOTION TO DISMISS MURDER CHARGE, WOODS presented discovery evidence that showed the victim's purse was first handled by her daughter as it lay next to where the assailant's car had just left the scene. WOODS contends that this should have been crime scene contamination. The purse was later photographed but never checked for blood, fingerprints, or DNA the purse was/has never been presented as evidence which could have been exculpatory and material for the defense.

The victim's cell phone, not the victim's daughter as the judge ruled upon, was taken and handled at the scene. The cell phone was never seized, searched, or scoped for evidence pertaining to recent calls or messages that could have been material or exculpatory for the defendant. The victim's cell phone has also never been presented as evidence that could have been favorable to the defendant. Where are the purse and cell phone? Key evidence in this case.

Another potential suspect's palm and fingerprints were found at the scene. These palm and fingerprints, after being checked by law enforcement officials, came back as not belonging to WOODS but were never followed up upon as to who they belonged to. Again material and exculpatory evidence was not ruled upon by the judge.

The defense is seeking clarity on why the judge did not rule upon or mention key evidence that was contaminated at the scene and/or not preserved to be presented as evidence to the courts or for the defense. And why the judge ruled upon the victim's daughter's cell phone instead of the victim's cell phone when the daughter's cell phone is not mentioned in the motion.

CONCLUSION

The defense believes that these key pieces of evidence, not to mention others, were grossly mishandled by law enforcement and could have and possibly would have changed the outcome of these proceedings.

DATED this 29th day of October, 2018

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 Mex. Rev. Stat. 171.102 and Mex. Rev. Stat. 208.165 see 28 U.S.C. 1746 and 18 U.S.C. 1621

DATED this 29th day of October, 2018

x Leonard Woods

Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

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

1 MEEH

2 Leonard Woods, in Properia Persona

3 330 Casino Center Blvd. (ccoc) Las Vegas, NV 89101 NOV 01 2018

4 Attorney-in-fact for DEFENDANT

5

BY

Kory Schlitz
KORY SCHLITZ, DEPUTY

6

EIGHTH JUDICIAL DISTRICT COURT

7

CLARK COUNTY, NEVADA

8

9 STATE OF NEVADA
PLAINTIFFCASE NO: C-15-309820-1
DEPT NO: 3

10

11 LEONARD WOODS
DEFENDANTHEARING DATE:
HEARING TIME:

12

13

MOTION FOR EVIDENTIARY HEARING

14

15

COMES NOW, the DEFENDANT, LEONARD WOODS by and through
Leonard Woods, Attorney-in-fact, Properia Persona, respectfully
requests this Honorable Court to grant this Motion For Evidentiary
Hearing. This motion for the hearing request is based upon Detective
Donald Shane's unreasonable delay in obtaining a search warrant
for event number 150717-2118 and his blatant disregard to the
judge's command to follow warrant procedure.

22

This motion is made and based upon the any pleadings and
papers contained herein, the Declaration of Counsel attached hereto,
and any oral argument of counsel at the time of the hearing for this
matter, if desired by this Honorable Court.

26

27 DATED this 30th day of October, 2018

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X *Leonard Woods*

31

Leonard Woods, Properia Persona

32

Attorney-in-fact for DEFENDANT

33

Third Party Intervenor

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FACTUAL BACKGROUND

On July 17, 2015 DEFENDANT, LEONARD KLOODS' cell phone was seized by officer J. Blasko. On August 6, 2015 Detective D. Shane applies for a warrant to search KLOODS' cell phone. Detective Shane is then commanded by the judge who signed off on the warrant to "... prepare a written inventory of the property seized, and make a return to me within (10) days". Detective Shane gets a forensic evidence report on the cell phone from officer J. Darr on August 24, 2015.

ARGUMENT

According to the United States Supreme Court under U.S. v. Mitchell, 565 F.3d 1347, 1350 (11th Cir. 2009) Det. Shane's delay in obtaining the warrant is unreasonable and is actionable under the Fourth Amendment.

In Mitchell, the Eleventh Circuit considered a considerably less extensive delay than that is present here in obtaining a warrant for the search of a hard drive - 21 days - and held that, under the circumstances of that case, the delay in obtaining a search warrant was unreasonable, thus violating the Fourth Amendment and requiring the suppression of the fruits of the search of the hard drive.

Det. Shane violates this Fourth Amendment law when he unreasonably ~~delayed~~ delayed obtaining a warrant for the search of the cell phone and hard drive. Det. Shane also blatantly disregards the judge's command to "... prepare a written inventory of the property seized, and make a return to me within (10) days". Det. Shane not only does not follow the judge's order or follow proper warrant procedure, he still does not prepare a written inventory after he received the forensic report on August 24, 2015 from officer J. Darr.

CONCLUSION

The defense requests this ~~hearing~~ evidentiary hearing to reveal why Det. Shane unreasonably delayed obtaining a search warrant and why he doesn't follow prop

1
2 warrant procedure which would result in the suppression
3 of the fruits of the search of the hard drive.

4 The defense requests this Honorable Court to grant this
5 motion for an evidentiary hearing for this cause.

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I, the undersigned, do hereby acknowledge that I executed
10 the above and/or foregoing of my own free will and that I am
11 of sound mind to do so. I understand that a false statement or
12 answer to any question in this declaration will subject me to
13 penalties of perjury.

14 I declare under penalty of perjury under the laws of the
15 United States of America, that the above information is
16 accurate, correct and true to the best of my knowledge
17 executed within the terms of Nev. Rev. Stat. 171.102 and
18 Nev. Rev. Stat. 208.165 see 28 U.S.C 1746 and 18 U.S.C 1621

19

20 DATED this 30th day of October, 2018

21 X Leonard Woods

22 Leonard Woods, Propria Persona

23 Attorney-in-fact for DEFENDANT

24 Third Party Intervenor

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1 MTD OGI

2 Leonard Woods, in Propria Persona

3 330 Casino Center Blvd (CCDC) Las Vegas, NV 89101

4 Attorney-in-fact for DEFENDANT

6 EIGHTH JUDICIAL DISTRICT COURT

7 CLARK COUNTY, NEVADA

9 STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-309820-1
DEPT NO: 3

10 VS

11 LEONARD WOODS
DEFENDANT

HEARING DATE:
HEARING TIME:

13 MOTION TO DISMISS OPEN AND GROSS LEWIDNESS CHARGE

15 COMES NOW, the DEFENDANT, LEONARD WOODS by and through
16 Leonard Woods Attorney-in-fact, Propria Persona, respectfully
17 requests this Honorable Court to grant this Motion to Dismiss the
18 charge of Open and Gross Lewidness based upon the count being un-
19 substantiated and having no merit, no proof of occurance, and prior
20 false allegations by the accuser.

21 This motion is made and based upon the any pleadings and
22 papers contained herein, the Declaration of Counsel attached hereto,
23 and any oral argument of counsel at the time of the hearing for this
24 matter, if desired by this Honorable Court.

26 DATED this 29th day of October, 2018

29 X Leonard Woods

30 Leonard Woods, Propria Persona

31 Attorney-in-fact for DEFENDANT

32 Third Party Intervenor

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FACTUAL ALLEGATIONS

On July 17, 2015 Divina Leal accused WOODS of touching her breasts. She claims WOODS came up behind her in the kitchen of the residence 3492 Pinon Peak Dr. and touched her. She then says WOODS asked her to send him a picture of her breasts before she could leave with her friends. She claims WOODS gave her 20 dollars to keep quiet and promised special treatment and favors in the future.

ARGUMENT

Not only are these allegations false, ~~un~~ unsubstantiated, and unproven, the accuser has before made false claims pertaining to male and female authority figures in her life. The accuser has been known to browse the internet for older male companionship. She has also been known to take and send nude photos of herself. The accuser also refers to herself as a sexually derogatory term called "Thot box". Thot being the acronym T.H.O.T. for Thirsty Hoes Out There which coincides with someone who takes nude photos of herself, sends nude photos of herself, and tries to frame or make false sexual claims against another. I have here as "exhibit A", a page from her cell phone text messages describing herself in this sexually derogatory term.

CONCLUSION

This accusation was denied before in the JC Courts and should again be dismissed now. Once again there is no merit, proof or truth to the allegations. Therefore the defense requests this Honorable Court to grant this motion and dismiss this open and gross lewdness charge.

DATED this 29th day of October, 2018

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 U.S.C. 1746 and 18 U.S.C. 1621

DATED on this 29th day of October, 2018

X *Leonard Woods*

Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

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EXHIBIT
"A"

2.

I'll really come pick you up
but I'll have to tell my nana

call me and act like ur gunna
pick me up!



Message



5.

●●●● AT&T LTE

12:37 PM

🔒 🕒 71% 🔋

Back

Thot Box 😊❤️❤️

Details

Ok I know I told my nana she
said ok that's fine she's been
trough this


Please hurry I'm scared!!!

Ok we are on our way now

From: Dora Del Prado [REDACTED]
Subject:
Date: July 17, 2015 at 4:51 PM
To: Dora Del Prado [REDACTED]

●●●○ AT&T LTE

12:37 PM

@ 71% 

Back

Thot Box    

Details

today 10:18 AM

Devyn I need ur help!!! Come
now!

My step dad molested me!!!
Please come

Please devyn!

Are you serious

Yes that's why I kept asking
for help please!!!! Call me
back and ac like ur gunna
pick me up!

Please devyn!!!!

INTRODUCTION OF EVIDENCE

NOV 01 2018

STATE OF NEVADA
COUNTY OF CLARK

BY: Kory Schlitz
KORY SCHLITZ, DEPUTY

I, Leonard Woods, Attorney-in-fact do hereby introduce the following into evidence:

• Greyhound Bus ticket -

custodian of records, Angela Brown through investigator Reuben Garcia

• Family Court documents and records -

custodian of records, Janie Kowalski and Hannah Nelson through Reuben Garcia

• San Diego Police reports and records -

custodian of records, Xavier Lugo through mitigator Emily Reeder

• Metro PCS texts and phone calls -

custodian of records, Roger Hosford through Reuben Garcia

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 29th day of October, 2018

X Leonard Woods

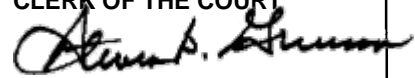
Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

C-15-309820-1
DOC
Document Filed
4793310





ROC
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
JULIA M. MURRAY
Deputy Public Defender
Nevada Bar No. 10939
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. III
)	
LEONARD RAY WOODS,)	
)	
Defendant.)	

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing case file discovery as itemized in
Pro Per Defendant Leonard Woods' document titled "Introduction of Evidence" is hereby
acknowledged this 16 day of November, 2018.

By: 
DISTRICT ATTORNEY'S OFFICE

Case Name: LEONARD RAY WOODS
Case No.: C-15-309820-1
Dept. No. III

NOV 07 2018

1. MFC

2. Leonard Woods, in Properia Persona

3. 330 Casino Center Blvd. (CCDC) Las Vegas, NV 89101

4. Attorney-in-fact for DEFENDANT

BY

KORY SCHLITZ, DEPUTY

5.

6.

EIGHTH JUDICIAL DISTRICT COURT

7.

CLARK COUNTY, NEVADA

8.

9.

STATE OF NEVADA
PLAINTIFF

10.

11.

LEONARD WOODS
DEFENDANT

CASE NO: C-15-309820-1
DEPT NO: 3

HEARING DATE:
HEARING TIME:

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MOTION FOR CONTINUANCE

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X Leonard Woods

Leonard Woods, Properia Persona

Attorney-in-fact for DEFENDANT

Third Party Intervenor

1 ARGUMENT

2

3 Due to the fact that WOODS has done what has been
4 asked of him since becoming his own attorney, has been
5 respectful of this court, conducted himself in a professional
6 manner, and tried to stay at all times within the guidelines
7 of the judicial system. Feels he entitled to the same respect
8 and common courtesy granted any other attorney or counsel.

9 To not be given a continuance, when none has before
10 been asked by WOODS, would be a hindrance to his defense
11 and an insult and disrespect to his professional person.

12

13 CONCLUSION

14

15 The defense feels that a continuance is in order and
16 requests that this Honorable Court grant this motion.

17

18 DATED this 5th day of November, 2018

19

20 DECLARATION UNDER PENALTY OF PERJURY

21

22 I, the undersigned, do hereby acknowledge that I executed
23 the above and/or foregoing of my own free will and that I am of
24 sound mind to do so. I understand that a false statement or
25 answer to any question in this declaration will subject me to
26 penalties of perjury.

27 I declare under penalty of perjury under the laws of the
28 United States of America, that the above information is accurate,
29 correct, and true to the best of my knowledge executed within the
30 terms of Mex. Rev. Stat 171.102 and Mex. Rev. Stat. 208.165 see
31 28 U.S.C. 1746 and 18 U.S.C. 1621

32

33 DATED this 5th day of November, 2018

34 ~~X/Leonard Woods~~

35 Leonard Woods, Propria Persona

36 Attorney-in-fact for DEFENDANT

37 Third Party Intervenor

38 //

39 //

1 MTDOMC

2 Leonard Woods, in Properia Persona

3 330 Casino Center Blvd. (CCOC) Las Vegas, NV 89101

4 Attorney-in-fact for DEFENDANT NYLASIA Z. PACKER, DEPUTY

5

6 EIGHTH JUDICIAL DISTRICT COURT
7 CLARK COUNTY, NEVADA

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9 STATE OF NEVADA
PLAINTIFF

CASE NO: C-15-309820-T
DEPT. NO: 3

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C-15-309820-1
MDSM
Motion to Dismiss
4821314



x Leonard Woods
Leonard Woods, Properia Persona
Attorney-in-fact for DEFENDANT

ARGUMENT

An open murder complaint charges murder in the first degree and all necessarily included offenses, such as second degree murder and the various degrees of manslaughter where less than all the elements of first degree murder are present. An open murder complaint is also information charging murder without specifying the degree making it sufficient to charge murder in the first degree.

The first degree murder that the DEFENDANT is charged with is specific to first degree only when it is said to (1) have been willful, deliberate, and premeditated and (2) when NRS 200.030 adds murder by means of poison, lying in wait, or torture.

Willful, deliberation, premeditation, poison, lying in wait, and torture are first degree murder specific charges and do not apply to open murder, second degree murder, or any of the manslaughter charges. Second degree murder specifically states "without deliberation and premeditation" and "where there is no intent". Manslaughter is the unlawful killing of another without malice aforethought. Voluntary Manslaughter is intentional killing committed under circumstances that, although they do not justify the homicide, reduce its evil intent. Involuntary Manslaughter consists of a homicide resulting from criminal negligence or recklessness.

The language in the DEFENDANT'S first degree murder charge doesn't appear in or apply to any of the lesser murder charges and can't possibly therefore fall under an open murder complaint or charge when open murder necessarily includes all lesser offenses and charges murder without specifying the degree.

The DEFENDANT'S charge is specific in nature and can no doubt be seen otherwise. The DEFENDANT is charged specifically and only with first degree murder and should be tried accordingly as the degree of his charge does not apply to any other charge other than first degree murder.

CONCLUSION

The DEFENDANT's alleged charges show that he should have been charged with first degree murder only and specifically as all other degrees of murder do not apply to his allegations as open murder suggests, the legal terminology of open murder does not apply here, the term is too vague in its description, all of which causes the DEFENDANT to be incorrectly charged with open murder. Therefore the defense respectfully requests this Honorable Court to grant this motion.

Dated this 3rd day of March, 2019.

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 U.S.C 1746 and 18 U.S.C. 1621

Dated this 3rd day of March, 2019

X Leonard Woods

Leonard Woods, Propria Persona

Attorney-in-fact for DEFENDANT

///

///

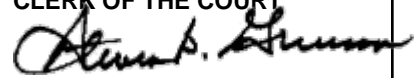
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OPPS

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: III

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS
OPEN MURDER CHARGE**

DATE OF HEARING: 03/18/2019
TIME OF HEARING: 10:00 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 Dismiss Open Murder Charge*.

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

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1 **POINTS AND AUTHORITIES**

2 On October 6, 2015, the State filed an Information charging the defendant with the
3 crime of open murder, in addition to various other offenses not applicable to the defendant's
4 Motion to Dismiss. The charge reads:

5 **COUNT 1 – MURDER WITH USE OF A DEADLY WEAPON**

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

16 The charge of open murder in violation of NRS 200.010 includes “murder in the first
17 degree and all necessarily included offenses” of second-degree murder, voluntary
18 manslaughter, and involuntary manslaughter. See Miner v. Lamb, 86 Nev. 54, 58, 464 P.2d
19 451, 453 (1970). Furthermore, when, as here, the State alleges alternative theories of liability
20 for first-degree murder, the State must also specifically allege those theories of liability in the
21 charging document. State v. Eighth Judicial Dist. Court, 116 Nev. 374, 377, 997 P.2d 126, 129
22 (2000) (“The State is required to give adequate notice to the accused of the various theories of
23 prosecution.”); see Alford v. State, 111 Nev. 1409, 1410–11, 906 P.2d 714, 714–15 (1995)
24 (holding that “a first-degree murder conviction based on felony-murder cannot be sustained
25 unless the indictment or information puts the defendant on notice of this charge and states facts
26 which support the conclusion that the murder was committed during the commission of an
27 identified felony.”) Consequently, the charge of open murder as alleged in the Information
28 specifically puts the defendant on notice that he may be liable for murder in the first degree if

1 the jury finds that the killing of Josie Jones was wilfull, deliberate, and premeditated, or if he
2 committed the offense by lying in wait.

3 The State's obligation to inform the defendant of alternative theories of liability for
4 first-degree murder in no way transforms the charge of open murder into a charge of first-
5 degree murder. Had the state chosen to allege that the defendant committed first-degree
6 murder, the charge would have specifically accused the defendant of committing the offense
7 of "Murder (First Degree) with Use of a Deadly Weapon" rather than "Murder with Use of a
8 Deadly Weapon."

9 The defendant's motion to dismiss should therefore be denied.

10 DATED this 14th day of March, 2019.

11 Respectfully submitted,

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

15 BY s/ Jeffrey S. Rogan
16 JEFFREY S. ROGAN
17 Chief Deputy District Attorney
18 Nevada Bar #10734

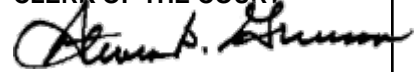
19 **RECEIPT OF COPY**

20 RECEIPT OF COPY of the above and foregoing Opposition to Defendant's Motion to
21 Dismiss Open Murder Charge is hereby acknowledged this 14th day of March, 2019.

22 Leonard Woods #1901705
23 At Clark County Detention Center
24 Fax # 702-384-3190

25 BY: /s/ Stephanie Johnson
26 Employee of the District Attorney's Office
27

28 15F11579X/JSF/saj/MVU



OBJ

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: III

**STATE'S OBJECTION TO CERTAIN ITEMS OF EVIDENCE OR TESTIMONY
WHICH MAY BE OFFERED BY THE DEFENDANT**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JEFFREY S. ROGAN, Chief Deputy District Attorney, and files this Objection¹ to the following evidence or testimony which may be offered by the defendant:

1. Alleged Impeachment or Prior Bad Act Evidence Regarding Victims Josie Jones and Divina Leal

a. Josie Jones's prior misdemeanor convictions.

On Tuesday afternoon, March 12, the defendant provided documents from San Diego County, California, criminal case number SCS242336-02, involving Josie Jones. These

¹ It has come to the State's attention that the defendant may seek to introduce documents and/or testimony into evidence that may be objectionable on one or more grounds. As the defendant is representing himself, and the parties will not likely be able to discuss objections at the bench, the State wanted to register its objections to this anticipated evidence and testimony so that any issues of admissibility may be decided expeditiously. The State is aware that it is obliged to make contemporaneous objections should the defendant seek to admit any of this evidence or testimony.

1 documents, which do not appear to be certified copies, reveal that Ms. Jones was convicted of
2 two misdemeanor drug possession offenses. The documents, and the fact of Ms. Jones's
3 conviction, are inadmissible because the convictions would be (1) improper impeachment
4 evidence and (2) evidence of a prior bad act.

5 While the State anticipates that certain hearsay statements of Ms. Jones will be admitted
6 by the State in its case-in-chief, those hearsay statements may only be impeached by a
7 conviction for a felony offense; furthermore, the offender's sentence, parole, probation, or
8 confinement for that felony offense must have expired within the preceding ten years. NRS
9 50.095 ("For the purpose of attacking the credibility of a witness, evidence that the witness
10 has been convicted of a crime is admissible but only if the crime was punishable by death or
11 imprisonment for more than 1 year under the law under which the witness was convicted.")
12 These two misdemeanor convictions therefore do not qualify as proper impeachment by
13 conviction. Id.

14 Moreover, the defendant has not otherwise asked this Court to permit the facts
15 underlying the conviction into evidence as a prior bad act. See NRS 48.045(2) (permitting
16 evidence of crimes to be admitted under certain circumstances); Petrocelli v. State, 101 Nev.
17 46, 51-52, 692 P.2d 503, 507-08 (1985) (requiring a hearing outside the presence of the jury
18 to consider whether evidence of other crimes may be admissible because (1) the incident is
19 relevant to the crime charged, (2) the act is proven by clear and convincing evidence, and (3)
20 the probative value of the evidence is not substantially outweighed by the danger of unfair
21 prejudice.)

22 b. Unsubstantiated claims that Divina Leal made prior false allegations of sexual
23 abuse.

24 The defendant has at various times through these proceedings alleged, without
25 specificity, that victim Divina Leal made prior false allegations of sexual abuse against another
26 person. The State has seen no evidence of such false allegation; nevertheless, the defendant
27 has not filed the requisite motion to properly admit such evidence. Before a defendant may
28 cross-examine a witness regarding the witness's prior false accusations of sexual abuse or

1 sexual assault, “the defendant must establish, by a preponderance of the evidence, that (1) the
2 accusation or accusations were in fact made; (2) that the accusation or accusations were in fact
3 false; and (3) that the evidence is more probative than prejudicial.” Miller v. State, 105 Nev.
4 497, 502, 779 P.2d 87, 90 (1989). As the defendant has not satisfied the Miller prerequisites
5 for the admission of this type of evidence, any alleged false allegations must be excluded. Id.

6 c. Unsubstantiated claims that Josie Jones previously engaged in acts of prostitution.

7 The defendant has also alleged that the victim Josie Jones engaged in acts of
8 prostitution, for which, again, he has provided no evidentiary support to the State. He also has
9 not moved to admit the alleged conduct pursuant to NRS 48.045. See NRS 48.045; Petrocelli,
10 101 Nev. at 51-52, 692 P.2d at 507-08. Such allegations must also be excluded.

11
12 **2. Clark County Family Court Records and Clark County School District Records**

13 a. Family Court Records.

14 The defendant provided documents from Clark County Family Court case number D-
15 09-412140-C, from June 18, 2009, to May 14, 2013. This case concerned victim Josie Jones’
16 custody dispute with her children’s father, Anthony Leal. These court documents are irrelevant
17 in that they concern custody matters that precede the facts of the instant case by over two
18 years. NRS 48.015, 48.025. They also contain hearsay statements. NRS 51.065.

19 b. School District Records.

20 The defendant has also provided victim Divina Leal’s school records for the years 2010
21 to 2012, which include copies of her school enrollment information, academic history, test
22 results, grades, immunization records, birth certificate, and discipline records. These records
23 concern Divina’s schooling at the Clark County School District several years before the
24 allegations made in the Information in this case. None of the documents contain any
25 information that would have “any tendency to make the existence of any fact that is of

26 ///

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1 consequence to the determination of the action more or less probable than it would be without
2 the evidence.” NRS 48.015. They should therefore be excluded as irrelevant. NRS 48.025.

3
4 DATED this 15th day of March, 2019.

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

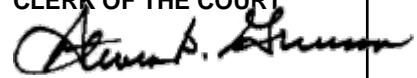
8 BY s/ Jeffrey S. Rogan
9 JEFFREY S. ROGAN
10 Chief Deputy District Attorney
11 Nevada Bar #10734

12 **RECEIPT OF COPY**

13 RECEIPT OF COPY of the above and foregoing Opposition to Defendant’s Motion to
14 Dismiss Open Murder Charge is hereby acknowledged this _____ day of March, 2019.

15 BY _____
16 LEONARD RAY WOODS
17 Defendant
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28

JSR/MVU



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 SECOND AMENDED NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

TO: LEONARD RAY WOODS, Defendant; and

TO: LEONARD RAY WOODS,
In Proper Person:

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	*LEON, RUTH (or designee)	Investigator, CCDA's Office
20	LONG, DANIEL	LVMPD P#3969
21	MCDARIS, CAPT. R.	LVMPD P#4985
22	MCGRATH, LT. D.	LVMPD P#4349
23	MELTON, LT. J.	LVMPD P#4691
24	MILLER, TERRI	LVMPD P#5113
25	NIEVES, G.	LVMPD P#13213
26	Parent/Guardian of Devyn Hagarty	3420 Hickey Ave., NLV, NV 89030
27	RAMOS, RACHEL	8855 W. Arby, #1031, LV, NV 89148
28	REYES, LANDON	LVMPD P#13129

1	RIVAS, YESENIA	5419 W. Tropicana Ave., #2316, LV, NV 89103
2	SCHULLER, N.	LVMPD P#9814
3	SHANE, DONALD	LVMPD P#6727
4	SIMMONS, I.	LVMPD P#15067
5	SIMMS, J.	LVMPD P# 15111
6	SMAKA, SGT. S.	LVMPD P#6098
7	SMINK, JEFFREY	LVMPD P#6556
8	SMITH, SAMUEL	LVMPD P#6424
9	STACHELI, C.	LVMPD P#9705
10	STRIEGEL, TIMOTHY	LVMPD P#15131
11	SWARTZ, TRAVIS	LVMPD P#13142
12	TAVAREZ, M.	LVMPD P#8518
13	THOMAS, RHOMEISHA	3640 Barcelona St., #5, Springfield, CA 91977
14	TURNER, LINDA	LVMPD P#6015
15	WEST, K.	LVMPD P#5759
16	WILLIAMS, ASHLEIGH	4921 River Glenn Dr., #22, LV, NV 89103
17	WILLIAMS, J.	LVMPD P#14530
18	WILSON, ROBERT	LVMPD P#3836
19	WOOLARD, B.	LVMPD P#7558
20	WRIGHT, AMANDA	LVMPD P#9974
21	YBARRA, J.	LVMPD P#6613
22	YOUNG, W.	LVMPD P#9636
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 Second Amended Notice of Witnesses was made this
16 18th day of March, 2019, by e-mail to:

17 Leonard Woods #1901705
18 At the Clark County Detention Center
19 FAX # 702-384-3190

20 BY: /s/ Stephanie Johnson
21 Secretary for the District Attorney's Office
22
23
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26
27

28 15F11579X/saj/MVU

1 JURL

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

2
3 DISTRICT COURT

MAR 19 2019

4 CLARK COUNTY, NEVADA BY

Kory Schlitz
KORY SCHLITZ, DEPUTY

5 State of Nevada
6 vs
7 Leonard Woods

CASE NO.: C-15-309820-1

DEPARTMENT 3

8
9 **JURY LIST**

- | | |
|-------------------------|-------------------------|
| 10 1. Gina Nelson | 8. Faith Wesley |
| 11 2. Brittany Quaresma | 9. Aramis Bacallao |
| 12 3. Karim Hussain | 10. Mechelle Detroz |
| 13 4. Debra Martinez | 11. Jose Vazquez |
| 14 5. Brian Reinhardt | 12. William Hughes |
| 15 6. Sarah Sink | 13. Dylan Hubbard-Gabel |
| 16 7. Cynthia Ambre | 14. Donna Clarke |

17
18 **ALTERNATES**

19 **SECRET FROM ABOVE**

20
21
22
23
24 C-15-309820-1
JURL
Jury List
25 4823718



4:04pm

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

MAR 25 2019

BY Kory Schlitz
KORY SCHLITZ, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-15-309820-1
VER
Verdict
4825180



THE STATE OF NEVADA,

Plaintiff,

-vs-

LEONARD RAY WOODS,

Defendant.

CASE NO: C-15-309820-1

DEPT NO: III

VERDICT

We, the jury in the above entitled case, find the defendant LEONARD RAY WOODS, as follows:

COUNT 1 – MURDER WITH USE OF A DEADLY WEAPON

(please check the appropriate box, select only one)

- ☒ Guilty of First Degree Murder with Use of a Deadly Weapon
- ☐ Guilty of First Degree Murder
- ☐ Guilty of Second Degree Murder with Use of a Deadly Weapon
- ☐ Guilty of Second Degree Murder
- ☐ Not Guilty

1 **COUNT 2** – CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER
2 PERSON

3 *(please check the appropriate box, select only one)*

4 ☒ Guilty

5 ☐ Not Guilty

6
7 **COUNT 3** – CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER
8 PERSON

9 *(please check the appropriate box, select only one)*

10 ☒ Guilty

11 ☐ Not Guilty


12
13 **COUNT 4** – OPEN OR GROSS LEWDNESS

14 *(please check the appropriate box, select only one)*

15 ☒ Guilty

16 ☐ Not Guilty

17
18
19 DATED this 25th day of March, 2019.

20
21
22 
23 FOREPERSON
24 FAITH WESLEY
25
26
27
28

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHELLE FLECK
6 Chief Deputy District Attorney
7 Nevada Bar #010040
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

MAR 25 2019

BY Kory Schlitz
KORY SCHLITZ, DEPUTY

C-15-309820-1
AINF
Amended Information
4826161



DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-15-309820-1

11 -vs-

DEPT NO: III

12 LEONARD RAY WOODS,
13 #1901705

14 Defendant.

AMENDED
INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

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

19 That LEONARD RAY WOODS, the Defendant(s) above named, having committed
20 the crimes of **MURDER WITH USE OF A DEADLY WEAPON (Category A Felony -**
21 **NRS 200.010, 200.030, 193.165 - NOC 50001); CAPTURING AN IMAGE OF THE**
22 **PRIVATE AREA OF ANOTHER PERSON (Gross Misdemeanor - NRS 200.604 -**
23 **NOC 54958); OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 -**
24 **NOC 50971) and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED**
25 **PERSON (Category B Felony - NRS 202.360 - NOC 51460), on or between March 9,**
26 **2015, and August 5, 2015, within the County of Clark, State of Nevada, contrary to the form,**
27

28 CAUSERS\DEPT03LC\APPDATA\LOCAL\MICROSOFT\WINDOWS\INETCACHE\CONTENT.OUTLOOK\LFACYNT5\15F11579-AINF-

(WOODS__LEONARD)-002.DOCX

1 force and effect of statutes in such cases made and provided, and against the peace and
2 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 willfully, 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
8 body of JOSIE JONES, the actions of Defendant resulting in the death of the said JOSIE
9 JONES. The Defendant being responsible under one or more of the following principles of
10 criminal liability, to wit: (1) the willful, deliberate and premeditated killing; and/or (2)
11 committed by Defendant lying in wait to commit the killing of said JOSIE JONES.

12 COUNT 2 – 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
16 body of DIVINA LEAL, a fifteen year-old girl, without her consent and under circumstances
17 in which DIVINA LEAL had a reasonable expectation of privacy.

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

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

24 COUNT 4 – OPEN OR GROSS LEWDNESS

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

27 COUNT 5 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

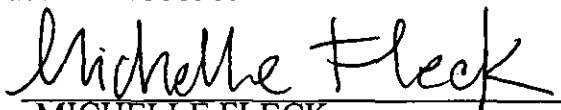
28 did on or about July 17, 2015, willfully, unlawfully, and feloniously own, or have in

1 his possession and/or under his custody or control, a firearm, to-wit: a Mossberg 500A
2 shotgun, the Defendant being a convicted felon, having in 1990, been convicted of
3 Possession Narc Controlled Substance for Sale, in Case No. CR113964, in the Superior
4 Court of California, County of San Diego, a felony under the laws of the State of California,
5 and/or having in 1992, been convicted of Sell/Furnish/Marijuana/Hash, Possession
6 Marijuana for Sale, Felon/Addict/Etc. Possession Firearm, in Case No. CR131746, in the
7 Superior Court of California, County of San Diego, a felony under the laws of the State of
8 California.

9 COUNT 6 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

10 did on or about July 17, 2015, willfully, unlawfully, and feloniously own, or have in
11 his possession and/or under his custody or control, a firearm, to-wit: a Colt MK IV semi-
12 automatic handgun, the Defendant being a convicted felon, having in 1990, been convicted
13 of Possession Narc Controlled Substance for Sale, in Case No. CR113964, in the Superior
14 Court of California, County of San Diego, a felony under the laws of the State of California,
15 and/or having in 1992, been convicted of Sell/Furnish/Marijuana/Hash, Possession
16 Marijuana for Sale, Felon/Addict/Etc. Possession Firearm, in Case No. CR131746, in the
17 Superior Court of California, County of San Diego, a felony under the laws of the State of
18 California.

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

21 BY 
22 MICHELLE FLECK
23 Chief Deputy District Attorney
24 Nevada Bar #010040
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1 INST

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

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

MAR 25 2019

4 THE STATE OF NEVADA,

BY Kory Schlitz
KORY SCHLITZ, DEPUTY

5 Plaintiff,

6 -vs-

CASE NO: C-15-309820-1

7 LEONARD RAY WOODS,

DEPT NO: III

8 Defendant.

9
10 INSTRUCTIONS TO THE JURY

11 (INSTRUCTION NO. 1)

12 MEMBERS OF THE JURY:

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

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

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INST
Instructions to the Jury
4825560



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

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

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

In this case, it is charged in an Information that on or between the 9th day of March, 2015, and the 5th day of August, 2015, the Defendant committed the offenses of **MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); CAPTURING AN IMAGE OF THE PRIVATE AREA OF ANOTHER PERSON (Gross Misdemeanor - NRS 200.604 - NOC 54958); and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971);** 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 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 – 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.

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

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

7 COUNT 4 – OPEN OR GROSS LEWDNESS

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

10 It is the duty of the jury to apply the rules of law contained in these instructions to the
11 facts of the case and determine whether or not the defendant is guilty of the offense charged.

12 Each charge and the evidence pertaining to it should be considered separately. The
13 fact that you may find a defendant guilty or not guilty as to one of the offenses charged
14 should not control your verdict as to any other offense charged.

In this case the defendant is accused in an Information alleging an open charge of Murder. This charge may include murder of the First Degree or Murder of the Second Degree.

The jury must decide if the defendant is guilty of any offense and, if so, of which offense.

Murder is the unlawful killing of a human being with malice aforethought, either express or implied. The unlawful killing may be effected by any of the various means by which death may be occasioned.

Malice aforethought means the intentional doing of a wrongful act without legal cause or excuse or what the law considers adequate provocation. The condition of mind described as malice aforethought may arise, from anger, hatred, revenge, or from particular ill will, spite or grudge toward the person killed. It may also arise from any unjustifiable or unlawful motive or purpose to injure another, proceeding from a heart fatally bent on mischief or with reckless disregard of consequences and social duty. Malice aforethought does not imply deliberation or the lapse of any considerable time between the malicious intention to injure another and the actual execution of the intent but denotes an unlawful purpose and design as opposed to accident and mischance.

INSTRUCTION NO. __7__

Express malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

Malice may be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

Murder of the First Degree is murder which is perpetrated by means of any kind of willful, deliberate, and premeditated killing. All three elements -- willfulness, deliberation, and premeditation -- must be proven beyond a reasonable doubt before an accused can be convicted of first-degree murder.

Willfulness is the intent to kill. There need be no appreciable space of time between formation of the intent to kill and the act of killing.

Deliberation is the process of determining upon a course of action to kill as a result of thought, including weighing the reasons for and against the action and considering the consequences of the actions.

A deliberate determination may be arrived at in a short period of time. But in all cases the determination must not be formed in passion, or if formed in passion, it must be carried out after there has been time for the passion to subside and deliberation to occur. A mere unconsidered and rash impulse is not deliberate, even though it includes the intent to kill.

Premeditation is a design, a determination to kill, distinctly formed in the mind by the time of the killing.

Premeditation need not be for a day, an hour, or even a minute. It may be as instantaneous as successive thoughts of the mind. For if the jury believes from the evidence that the act constituting the killing has been preceded by and has been the result of premeditation, no matter how rapidly the act follows the premeditation, it is premeditated.

The law does not undertake to measure in units of time the length of the period during which the thought must be pondered before it can ripen into an intent to kill which is truly deliberate and premeditated. The time will vary with different individuals and under varying circumstances.

The true test is not the duration of time, but rather the extent of the reflection. A cold, calculated judgment and decision may be arrived at in a short period of time, but a mere unconsidered and rash impulse, even though it includes an intent to kill, is not deliberation and premeditation as will fix an unlawful killing as murder of the first degree.

Murder which is immediately preceded by Lying in Wait is Murder of the First Degree.

The elements necessary to constitute lying in wait are watching, waiting, and concealment from the person killed with the intention of inflicting serious bodily injury upon such person, or of killing such person.

Although your verdict must be unanimous as to the charge, you do not have to agree on the theory of guilt or liability. Therefore, even if you cannot agree on whether the facts establish the defendant is guilty of Premeditated and Deliberate Murder or Lying in Wait Murder, so long as all of you agree that the evidence establishes the defendant's guilt of Murder in the First Degree, your verdict shall be Murder of the First Degree.

All murder which is not Murder of the First Degree is Murder of the Second Degree.
Murder of the Second Degree is Murder with malice aforethought, but without the admixture
of premeditation and deliberation.

You are instructed that if you find that the State has established that the defendant has committed First Degree Murder you shall select First Degree Murder as your verdict. The crime of First Degree Murder includes the crime of Second Degree Murder. You may find the defendant guilty of Second Degree Murder if:

1. You have not found, beyond a reasonable doubt, that the defendant is guilty of murder of the first degree, and

2. All twelve of you are convinced beyond a reasonable doubt the defendant is guilty of the crime of second degree murder.

If you are convinced beyond a reasonable doubt that the crime of murder has been committed by the defendant, but you have a reasonable doubt whether such murder was of the first or of the second degree, you must give the defendant the benefit of that doubt and return a verdict of murder of the second degree.

You are instructed that if you find a defendant guilty of First or Second Degree Murder you must also determine whether or not a deadly weapon was used in the commission of this crime.

If you find beyond a reasonable doubt that a deadly weapon was used in the commission of such an offense, then you shall return the appropriate guilty verdict reflecting "With Use of a Deadly Weapon".

If, however, you find that a deadly weapon was not used in the commission of such an offense, but you find that it was committed, then you shall return the appropriate guilty verdict reflecting that a deadly weapon was not used.

"Deadly weapon" means any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death, or, any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

A person who knowingly and intentionally captures an image of the private area of another person, without the consent of the other person, and under circumstances in which the other person has a reasonable expectation of privacy, is guilty of Capturing an Image of Private Area of Another Person.

Private parts are places on the human body which are customarily kept covered by clothing in public venues.

These areas include:

- (1) for both genders, the buttocks and anal areas, and
- (2) for females, the breasts and vaginal areas, and
- (3) for males, the penis.

Open or Gross Lewdness is defined as any indecent, obscene or vulgar act of a sexual nature that:

1. is intentionally committed in a public place, even if the act is not observed; or
2. is committed in a private place, but in an open manner, as opposed to a secret manner, and with the intent to be offensive to the observer.

You are instructed that the word "open" is used to modify the term "lewdness". As such, it includes acts which are committed in a private place, but which are nevertheless committed in an "open" as opposed to a "secret" manner. You are further instructed that it includes an act done in an "open" fashion clearly intending that the act be offensive to the victim.

The term "gross" is defined as being indecent, obscene or vulgar.

The term "lewdness" is defined as any act of a sexual nature which the actor knows is likely to be observed by the victim who would be affronted by the act.

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

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

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

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

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

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

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

The defendant is not required to present any evidence or prove his innocence. The law never imposes upon a defendant in a criminal case the burden of calling any witnesses or introducing any evidence.

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

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

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

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

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

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

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

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

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

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

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

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

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

In your deliberation you may not discuss or consider the subject of punishment. Your duty is confined to the determination of whether the Defendant is guilty or not guilty. If your verdict is Murder in the First Degree, you will, at a later hearing, determine the issue of penalty or punishment.

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

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

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

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

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

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

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

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

GIVEN BY:


DOUGLAS W. HERNDON
DISTRICT COURT JUDGE

JURL

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

MAR 25 2019

DISTRICT COURT
CLARK COUNTY, NEVADA

BY Kory Schlitz
KORY SCHLITZ, DEPUTY

State of Nevada
vs
Leonard Woods

CASE NO.: C-15-309820-1

DEPARTMENT 3

AMENDED JURY LIST

- | | |
|--------------------|-------------------------|
| 1. Karim Hussain | 8. Mechelle Detroz |
| 2. Debra Martinez | 9. Jose Vazquez |
| 3. Brian Reinhardt | 10. William Hughes |
| 4. Sarah Sink | 11. Dylan hubbard-Gabel |
| 5. Cynthia Ambre | 12. Donna Clarke |
| 6. Faith Wesley | |
| 7. Aramis Bacallao | |

ALTERNATES

- | | |
|----------------|----------------------|
| 1. Gina Nelson | 2. Brittany Quaresma |
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C - 15 - 309820 - 1
AJUR
Amended Jury List
4826561



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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
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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