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Electronically Filed
Feb 13 2020 11:38 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME X PAGES 2106-2161

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

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

Counsel for Respondent

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LEONARD RAY WOODS
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THE STATE OF NEVADA,
Plaintiff,
vs.
LEONARD RAY WOODS,
Defendant.

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

WEDNESDAY, MARCH 27, 2019

APPEARANCES:

MICHELLE N. FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.

PRO SE

JULIA M. MURRAY, ESQ.

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1 **LAS VEGAS, NEVADA, WEDNESDAY, MARCH 27, 2019**

2 [Proceeding commenced at 9:26 a.m.]

3
4 [Outside the presence of the jury.]

5 THE COURT: All right. We're going to be on the record.
6 Mr. Woods is here, Ms. Murray's present, State's attorneys are
7 present. We are outside the presence of the jury.

8 Just real quickly, Mr. Woods, it had come to my attention
9 that you may not have wanted to be here this morning. My
10 understanding was you had an opportunity -- Ms. Murray spoke to
11 you back there. I've noticed that you're now dress out. And I'm
12 assuming that you do wish to be present and participate as we do
13 closing arguments?

14 THE DEFENDANT: Yeah.

15 THE COURT: Yeah? Okay. Do you all have anything
16 outside the presence before we get our jurors in?

17 MS. FLECK: No, your Honor.

18 THE COURT: Anything from the defense?

19 MS. MURRAY: Do you have anything?

20 THE DEFENDANT: No.

21 THE COURT: No? Okay. You can go ahead and get them.

22 [In the presence of the jury.]

23 THE COURT: You all can be seated. Thank you.

24 We are going to be back on the record. Mr. Woods, Ms.
25 Murray, Ms. Fleck, Mr. Rogan, and our jurors are all present.

1 Ladies and gentlemen, did everybody have a copy of the
2 instructions in your chairs? Yes?

3 Okay. All right. You'll recall yesterday that we rested the
4 presentation of witnesses and evidence in the penalty phase. So I do
5 have some -- another limited set of instructions to read to you all
6 before we have closing arguments.

7 Instructions to the jury.

8 Instruction No. 1: Members of the jury, it is now my duty
9 as judge to instruct you in the law that applies to this penalty
10 hearing. It is your duty as jurors to follow these instructions and to
11 apply the rules of law to the facts as you find them from the
12 evidence. You must not be concerned with the wisdom of any rule
13 of law stated in these instructions. Regardless of any opinion you
14 may have as to what the law ought to be, it would be a violation of
15 your oath to base a verdict upon any other view of the law than that
16 given in the instructions of the court.

17 No. 2: If, in these instructions, any rule, direction, or idea
18 is repeated or stated in different ways, no emphasis thereon is
19 intended by me and none may be inferred by you. For that reason,
20 you are not to single out any certain sentence or any individual point
21 or instruction and ignore the others. But you are to consider all the
22 instructions as a whole and regard each in the light of all the others.

23 No. 3: The trial jury shall fix the punishment for every
24 person convicted of murder of the first degree. The jury shall fix the
25 punishment at:

1 No. 1, life imprisonment without the possibility of parole,
2 which means exactly what it says, that the defendant shall not be
3 eligible for parole;

4 No. 2, life imprisonment with the possibility of parole, with
5 eligibility for parole beginning when a minimum of 20 years has
6 been served;

7 Or No. 3, a definite term of -- one shouldn't be there -- I'm
8 sorry -- a definite term of 50 years, with eligibility for parole
9 beginning when a minimum of 20 years has been served.

10 Number 4: A prison term of 50 years with eligibility for
11 parole beginning when a minimum of 20 years has been served does
12 not mean that the defendant would be paroled after 20 years, but
13 only that he or she would be eligible for parole after that period of
14 time.

15 Life imprisonment with the possibility of parole is a
16 sentence to life imprisonment which provides that the defendant
17 would be eligible for parole after a period of 20 years. This does not
18 mean that he would be paroled after 20 years, but only that he would
19 be eligible for parole after that period of time.

20 Life imprisonment without the possibility of parole means
21 exactly what it says, that the defendant shall not be eligible for
22 parole.

23 Number 5: In the penalty hearing, evidence may be
24 presented concerning aggravating and mitigating circumstances
25 relative to the offense and any other evidence that bears on the

1 defendant's character. Hearsay is admissible in a penalty hearing.

2 Number 6: A reasonable doubt is one based on reason. It
3 is not mere possible doubt, but is such a doubt as would govern or
4 control a person in the more weighty affairs of life. If the minds of
5 the jurors after the entire comparison and consideration of all the
6 evidence are in such a condition that they can say they feel an
7 abiding conviction of the truth of the charge there is not a
8 reasonable doubt. Doubt, to be reasonable, must be actual, not
9 mere possibility or speculation.

10 Number 7: The jury is instructed that in determining the
11 appropriate penalty to be imposed in this case, that it may consider
12 all evidence introduced and instructions given at both the penalty
13 hearing phase of these proceedings and at the trial of this matter.

14 Number 8: In your deliberation, you may not discuss or
15 consider the subject of guilt or innocence of a defendant as that
16 issue has already been decided. Your duty is confined to a
17 determination of the punishment to be imposed.

18 Number 9: The credibility or believability of a witness
19 should be determined by his manner upon the stand; his relationship
20 to the parties; his fears, motives, interests, or feelings; his
21 opportunity to have observed the matter to which he testifies; the
22 reasonableness of his statements; and the strength or weakness of
23 his recollections.

24 If you believe that a witness has lied about any material
25 fact in the case, you may disregard the entire testimony of that

1 witness or a portion of his testimony which is not proved by other
2 evidence.

3 Number 10: Although you are to consider only the
4 evidence in the case in reaching a verdict, you must bring to the
5 consideration of the evidence your everyday common sense and
6 judgment as reasonable men and women. Thus, you are not limited
7 solely to what you see and hear as the witnesses testified. You may
8 draw reasonable inferences from the evidence which you feel are
9 justified in the light of common experience, keeping in mind that
10 such inference should not be based on speculation or guess.

11 A verdict may never be influenced by sympathy, prejudice,
12 or public opinion. Your decision should be the product of sincere
13 judgment and sound discretion in accordance with these rules of
14 law.

15 Number 11: During your deliberation, you will have all of
16 the exhibits which were admitted into evidence; these written
17 instructions; and forms of verdict which have been prepared for your
18 convenience. Your verdict must be unanimous.

19 When you have agreed upon your verdict, it should be
20 signed and dated by your foreperson.

21 I will also just remind you, as I said in the second phase
22 that we did with the remaining two charges, all the instructions -- not
23 just all the evidence -- but all the instructions that you've been given,
24 this being the third set, all apply to your deliberations as well.

25 Finally, Number 12: Now you are listening to the

1 arguments of counsel who will endeavor to aid you to reach a proper
2 verdict by refreshing in your minds the evidence and by showing the
3 application thereof to the law. But whatever Counsel may say, you
4 will be -- bear in mind that it is your duty to be governed in your
5 deliberations by the evidence as you understand it and remember it
6 to be and by the law as given to you in these instructions, with a
7 sole, fixed, and steadfast purpose of doing equal and exact justice
8 between the defendant and the State of Nevada.

9 Similar to the trial phase, you have a copy of the proposed
10 verdict form. It's attached to your instructions. It doesn't have
11 boxes. It has blanks. But the same rule applies, that you're only
12 going to check one of the blanks underneath the count and the
13 request for punishment.

14 All right. Thank you very much for your time.

15 I will turn it over to the State. Ms. Fleck.

16 **CLOSING ARGUMENT BY THE STATE**

17 MS. FLECK: Thank you.

18 Ladies and gentlemen, you have now heard all of the facts
19 in evidence of this case, and I think that we can all agree that one
20 word would sum up what you have heard. This was a horrible
21 crime.

22 Mr. Rogan and I did not present the evidence to you, show
23 you the testimony, show you the facts because we wanted to shock
24 you, because we wanted to prey on your emotions. The reason that
25 we showed you the evidence is because that is the cold hard reality

1 of what happened in this case.

2 The cold hard reality is that Divina and her mom went to
3 cheerleading practice, went on a very mundane errand, having
4 absolutely no idea that those would be the last moments that they
5 would spend together.

6 In that car ride from cheerleading practice down to
7 Walgreens, Divina would have no idea that that would be the last
8 time she would hear her mom's voice, that that would be the last
9 time that she would smell her mom, that that would be the last time
10 that she could feel her mom's body, touch her, hold her, hug her.
11 She would have no idea.

12 One person knew, though, that he was going to be taking
13 all of those things away from her. This man right here.

14 So at 15 years old with all of that -- with all that that
15 entails -- in and of itself, with all that that entails, Divina was left
16 alone in a dirty parking lot in Las Vegas, Nevada, to navigate the rest
17 of her life. She was left to wonder who to call to help her. And the
18 fact was there was no one to call at that time, because her mom was
19 dead and the person who was next closest to her in this entire world
20 was the person responsible for that.

21 Now you are now in a unique position to determine what
22 is the appropriate punishment for what the defendant has done, and
23 what is justice for Josie Jones, for Divina, for Kenyatta, for Kerry?

24 Now, justice isn't defined in your instructions. You're not
25 going to find what that means written anywhere. There's not a

1 formula for what justice is. Justice is something that you know
2 when you see it. Justice is something that you feel in you. And
3 justice is something that would change for each and every case that
4 would be presented to a jury -- the myriad of circumstances that
5 would cause a jury to be listening to a murder case. All of those
6 would be taken into consideration to determine what justice is.

7 So what is justice in this case for such an absolutely brutal
8 crime, one that is entirely lacking in conscience? One that even now
9 the defendant refuses to take responsibility for.

10 Even yesterday, he told you, through tears, which is I beg
11 of you to question -- are those tears for himself or are those tears for
12 the victim?

13 So even now he refuses to take responsibility, and he tells
14 you that in light of all of the evidence that you saw and in light of
15 your verdict that he supposedly respects, he still, quote, maintains
16 his innocence.

17 This was a crime that was fueled by hate. It was fueled by
18 revenge. It was fueled by spite. And for what? Because Josie Jones
19 had the audacity to leave him because Josie Jones did exactly what
20 we would want a mom to do, exactly what mothers are supposed to
21 do -- protect their children.

22 That's why she died in this vicious way. That's why, with
23 no dignity at all, she was left to literally take her last breaths
24 amongst strangers in a parking lot in Las Vegas, because she had the
25 audacity to stand up and protect her child.

1 So let's look at the nature of the murder itself.

2 The defendant in this case spared nothing and he spared
3 no one. He, and he alone, knew that Divina would witness this.

4 So getting a call that your mother or your father is dead is
5 shocking in and of itself. It is life changing in and of itself. But I ask
6 you, What is worse than getting a phone call that your parent has
7 passed? Or actually seeing your parent die right before your very
8 eyes in this way?

9 Divina told you that when he -- the defendant touched her,
10 it was as if he had taken a piece of her. When he groped her that
11 day, he had taken a piece of her.

12 But on August 5th of 2015, it wasn't enough that he had
13 just taken a piece of her; he had to take all of her. She was a shell of
14 the human being after this. She testified before you and laid it all
15 out on the table. She hears the sound of the knife going into her
16 mother's body to this day because of his actions.

17 This was not a heat-of-the-moment killing. The defendant
18 found this woman. He stalked her. He's the only person that would
19 have known that she was at that cheerleading practice. He sat at that
20 cheerleading practice, and he watched her. He left. And he followed
21 them all the way across town, gave her about 30 seconds to go
22 inside the store before he came in, and he sat and he waited and he
23 thought and he devised exactly what he was going to do. He had
24 that knife with him, and he knew exactly what he was going to do.

25 Look at how he killed her. What did he use to kill her? A

1 knife. How much more personal could this crime get? He wanted to
2 hurt her. He wanted her to suffer. He watched her as she suffered.
3 He watched her as she literally bled. He watched her as she begged
4 for him to stop.

5 You heard the testimony that she said, He's trying to kill
6 me. He saw fear in her eyes. She knew how she was going to die.
7 As she took her last breaths, she watched her child beg her not to
8 leave.

9 So the fear that Josie Jones was going through, in her last
10 moments on this earth, is coupled not only with her dying; how
11 about the fact that she knows her daughter is going to be left there
12 with the defendant? And how about the fear of leaving your child
13 alone in this world? How about, as a parent, knowing that your kid is
14 going to be left here without you here to protect them? Those are
15 the thoughts that Josie Jones had to be having as she took her last
16 breath.

17 Josie Jones did absolutely nothing to participate in her
18 own demise. She made two mistakes, so to speak. She chose the
19 absolute wrong man.

20 Now, we heard evidence presented that Divina's dad
21 wasn't great; that the next guy, Kevin Foster, who we heard a second
22 about, isn't great. We also heard that she was a loyal person, a
23 loving person. And that's evidenced, right, by what happened in this
24 case.

25 The defendant wanted to highlight yesterday a text

1 message that was sent in June of 2015, a mere month before he
2 violated her daughter and a mere two months before he killed her.
3 And in that text message, Josie said, You know, it's -- it's only been a
4 minute since you've left, or something like this. I miss you. Can't
5 wait for you to come back. You're my world. You're everything.

6 And then this is what he does to her? This is how he
7 manipulates her? This is what he does to her child? She was a
8 loving person, a loyal person. And this is how it ended up for her.
9 She chose the wrong man and she chose to protect her daughter.
10 That's why this woman died. She did absolutely nothing to
11 participate in her own demise.

12 So, you know, what, ladies and gentlemen, is justice for
13 Josie? For dying in one of the most brutal, painful, despicable ways?
14 For dying with no dignity, covered in your own blood, in a dirty
15 parking lot in Las Vegas? What is justice for her?

16 And I suggest to you that the mere nature of this case
17 alone demands a life without the possibility of parole, demands it.
18 But your statement of justice today is not just about what the
19 defendant did to Josie. It's also about what he did to Divina, what he
20 did to Kenyatta, what he did to Kerry; what he did for ensuring that
21 that child, that you had three opportunities to hear from, saw this
22 crime.

23 What does your sentence speak to? All of those things.
24 And all of those things coupled together demand nothing less than
25 life without the possibility of parole.

1 Please consider the depravity of the crime, the loss of life
2 for Josie, the loss of a mother for Divina and Kenyatta, the loss of
3 the sister for Kerry.

4 And Mr. Rogan and I, on behalf of the State of Nevada,
5 would implore you to return a sentence of life without the possibility
6 of parole.

7 Thank you.

8 THE COURT: Thank you.

9 Mr. Woods.

10 **CLOSING ARGUMENT BY THE DEFENSE**

11 THE DEFENDANT: Yes. This was a horrible crime. It was
12 a horrible death. And my tears spoke exactly for that. My tears
13 wasn't at all for me. My tears were for Josie. My tears were Divina.
14 My tears were for my four daughters. My tears were for my son. My
15 tears were for all -- not just the people involved, but the families.

16 As I was thinking, it may have been one person killed, but
17 a lot of people filled up those funeral homes. That's a lot of people's
18 lives touched. That's what my tears were actually for, all these
19 thoughts.

20 I am -- my tears were also for not being able to, I guess,
21 present everything to you in the way that I thought that I would be
22 able to. Only yesterday I was able to -- able to talk about the man,
23 instead of what you guys were only exposed to this whole week, last
24 week. And that man is loved by people in five different states.

25 I don't know what the decision is going to be. But I mean

1 you only have three in front of you. And I would like to think that
2 someday, if at all possible, I could go back out here and be a help --
3 maybe help some of these wayward youths out here to not make the
4 wrong decisions in life; to be a stand-up man; to be a pillar of the
5 community; try to change some lives before they get started or off to
6 the wrong start, so things like this won't happen.

7 I ask for any possible leniency still left in your heart. But I
8 will reiterate what I've said before, I was comfortable when you guys
9 were picked. I'm comfortable -- well, let's not say comfortable -- but
10 I -- well, I could deal with whatever you decide.

11 Just, in your decision, please remember that I am a father
12 also, with my first grand kid being born while I was incarcerated. So
13 I don't know how this system works, if I'll be able to hold him or see
14 him. But hopefully one day I'll be able to. Thank you.

15 THE COURT: Thank you.

16 Any rebuttal from the State?

17 MS. FLECK: Nothing further. Thank you.

18 THE COURT: Okay. All right. We'll go ahead and swear
19 officers to take charge of our jurors.

20 [The Clerk swore in the officers to take charge of the jury during
21 deliberations.]

22 THE COURT: Okay. Ladies and gentlemen, if you all will
23 gather your belongings. And we'll get the verdict forms and
24 everything back to you. And you can begin your deliberations.
25 Thank you.

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[Outside the presence of the jury.]

THE COURT: Anybody have anything outside the presence?

MS. FLECK: Not the State. Thank you.

THE COURT: Okay, guys. I will keep you informed.

MS. FLECK: Thank you.

THE COURT: Thank you.

[Recess taken from 9:52 a.m., until 10:45 a.m.]

THE COURT: All right. Do you guys have anything outside the presence?

MS. FLECK: No, your Honor.

THE COURT: Anything from the defense before we get our jurors?

THE DEFENDANT: No.

THE COURT: No? All right. You can go ahead.

[Pause in the proceedings.]

[In the presence of the jury.]

THE COURT: Thank you. You all can be seated.

We will be back on the record. Mr. Woods and Ms. Murray are present, Ms. Fleck and Mr. Rogan are present, all of our jurors are present.

Ms. Wesley, my understanding is the jury's reached a verdict; correct?

THE FOREPERSON: Yes, sir.

THE COURT: Okay. If you could go ahead and hand that

1 to my marshal.

2 All right. We're going to have the clerk read the verdict
3 into the minutes. You all can stay seated.

4 THE CLERK: District Court, Clark County, Nevada. The
5 State of Nevada, Plaintiff, versus Leonard Ray Woods, Defendant,
6 Case Number C-15-309820-1, Department No. 3.

7 We, the jury in the above-entitled case, having found the
8 Defendant Leonard Ray Woods guilty of Count 1, murder in the first
9 degree and impose a sentence of life in the Nevada Department of
10 Corrections, without the possibility of parole. Dated this 27th day
11 March 2019. Faith Wesley, foreperson.

12 Ladies and gentlemen of the jury, are these your verdicts
13 as read, so say you one, so say you all?

14 THE JURORS: Yes.

15 THE COURT: Either side wish to have the jury polled?

16 MS. FLECK: Not the State. Thank you.

17 THE COURT: On behalf of the defense?

18 MS. MURRAY: You have to say yes or no.

19 THE DEFENDANT: No.

20 THE COURT: No.

21 All right. Ladies and gentlemen, that's going conclude
22 your jury service.

23 I'm going to be back to talk to you in just a moment.
24 Before I do that, though, just kind of publicly, I wanted to thank you
25 very much for your time over the last week and a half.

1 As you saw, while you were standing here during jury
2 selection, regardless of whether you were excited about being here,
3 whether you had other things going on in your lives, you were very
4 professional and respectful. And that's kind of one of the reasons
5 people end up choosing you all as jurors.

6 You saw that there's a lot of people that try very hard to
7 get out of jury duty, that seemed to kind of jump on to every
8 question for the opportunity to kind of shirk their responsibility and
9 move on. And I understand that.

10 At the end of the day, the attorneys involved in cases
11 generally recognize that as well, and they want people that are
12 willing to accept the responsibility and be here and do their duty on
13 behalf of our community.

14 So I thank you very, very much for being able to do that
15 for us, for your time the last week and a half. I'm glad that we were
16 able to get the case concluded in about the amount of time that we
17 recommended, so that you can get back to your lives.

18 As I said, I'm going to be available to talk to you in just a
19 moment. One of the things I'm not going to tell you when you get
20 up to leave is that same admonition about not talking to people,
21 which simply means you're free to talk to anybody you want to now.
22 But you do not have to talk to anybody.

23 So to the extent anybody persists in trying to contact you
24 or talk to you, and you tell them I don't want to talk to you and they
25 keep going, well, call my chambers and let me know, and we'll do

1 what we need to do to help you out with that. Okay?

2 That being said, after I chat with you in the deliberation
3 room, oftentimes the attorneys want an opportunity to talk to you as
4 well and answer any questions that you have. It's just the attorneys,
5 that's it.

6 And I'll bring you back into the courtroom and allow that
7 to happen . So if any of you are willing to stick around for a little bit
8 and have those conversations, I know it's very valuable to attorneys
9 to kind of get some information from you all who sit in judgment of
10 the issues in our community, to kind of understand how they're
11 doing their jobs, and everything from how a jury gets selected to
12 what did you think about how they do things during the course of
13 the trial, as well.

14 So on their behalf, I would appreciate it if some of you
15 have an opportunity and are willing to chat with them for a bit.

16 On the other hand, if you're just eager to get on your way,
17 I get that as well. There's no obligation. You don't need to stick
18 around. Okay?

19 And with that I will have you go on back to the
20 deliberation room, and I'll be back there in just a moment.

21 [The jury panel is excused.]

22 THE COURT: All right. We are going to refer Mr. Woods'
23 matter to the Department of Parole and Probation, and then set it
24 down for a sentencing hearing in 50 days.

25 THE CLERK: May 15th, at 9:30.

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THE COURT: All right.

Anything further from other side?

MS. FLECK: Nothing from the State.

THE COURT: Do you guys want to stick around and talk to the jurors?

MS. FLECK: Yeah. We'll thank them.

THE COURT: Julia, do you want to stick around?

MS. MURRAY: I'll see what he wants me to do.

THE COURT: Okay. All right.

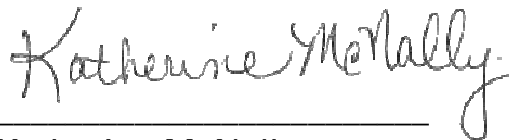
Okay. I'll give them a chance to talk for a moment. And you all can take Mr. Woods. Okay? Thank you.

MS. FLECK: Thank you.

[Proceedings concluded at 10:52 a.m.]

* * * * *

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



Katherine McNally
Independent Transcriber CERT**D-323
AZ-Accurate Transcription Service, LLC



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-15-309820-1

DEPT. III

10 vs.

11 LEONARD RAY WOODS,
12 Defendant.

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
15 WEDNESDAY, MAY 15, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **SENTENCING**

18
19 APPEARANCES:

20 For the State:

MICHELLE FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.
Chief Deputy District Attorneys

22 For the Defendant:

Pro per

23 Also Present:

JULIA M. MURRAY, ESQ.
Deputy Public Defender

24
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, May 15, 2019

2
3 [Hearing began at 10:23 a.m.]

4 THE COURT: On page, 11, Mr. Woods' matter. He is present
5 in custody. This is 309820. The matter is set for sentencing today.

6 Any legal cause or reason why we should not go forward with
7 sentencing?

8 MS. FLECK: Nothing from the State.

9 THE COURT: No.

10 Mr. Woods, nothing?

11 THE DEFENDANT: [No audible response.]

12 THE COURT: I'm not asking about arguing sentencing right
13 now. I just mean there's no legal cause or reason not to go forward.

14 THE DEFENDANT: Oh, no.

15 THE COURT: Okay.

16 All right. And Mr. Woods is representing himself in proper
17 person. Ms. Murray is here from the Public Defender's Office as
18 standby counsel.

19 All right. Mr. Woods, pursuant to the jury verdict you're going
20 to be adjudicated guilty on Count 1 of first degree murder with use of a
21 deadly weapon.

22 Counts 2 and 3, capturing image of private area of another
23 person, gross misdemeanors.

24 Count 4, open or gross lewdness, gross misdemeanor.

25 And Counts 5 and 6, ex-felon in possession of a firearm,

1 felonies.

2 State.

3 MS. FLECK: Judge, you heard the trial, he was sentenced by
4 way of the jury verdict to life without the possibility of parole for the first
5 degree murder with use of a deadly weapon. And with the -- with regard
6 to the rest of the charges, P&P recommends concurrent time. We don't
7 have an opposition to that.

8 And I'll submit it to the Court, you heard the trial, you know the
9 facts.

10 THE COURT: One of the questions I have is about the
11 requested restitution. I was a little unclear on some of -- I mean, the
12 funeral expenses --

13 MS. MURRAY: Your Honor, may I interrupt briefly.

14 THE COURT: Sure.

15 MS. MURRAY: I just inquired of Mr. Woods whether or not he
16 has seen this PSI, since there's a question in it, and what he nodded
17 back to me was that he has not.

18 THE COURT: Not seen the --

19 MS. MURRAY: So I don't know that he knows what you're
20 talking about.

21 THE COURT: Do you have the PSI?

22 MS. MURRAY: No, and -- no, because I'm not counsel, so it
23 wasn't served on me.

24 THE COURT: All right.

25 THE DEFENDANT: They came and saw me but they never

1 gave me a -- paperwork.

2 THE DEFENDANT: They never gave you a copy; okay. So
3 that's a problem.

4 MS. MURRAY: I just saw his reaction when you asked the
5 question and thought there might be an issue.

6 [Colloquy between the Court and Court staff]

7 THE COURT: I mean, I'll give you the option, Mr. Woods, we
8 can pass it and give you an opportunity to look at it today and talk with
9 Ms. Murray and then go forward or I can continue it to another day if you
10 feel like you need more time to go through it, whatever your pleasure is.

11 [Colloquy between Defense Counsel and the Defendant]

12 THE DEFENDANT: I'll take a look at it.

13 THE COURT: You want to look at it first and then tell me if
14 you want more time; okay.

15 So go ahead and grab a seat and we'll get you the copy, Julia,
16 and then you-all can talk about it.

17 MS. MURRAY: Thank you, Your Honor.

18 MR. ROGAN: Your Honor, if you could just let us know what
19 your question is on the --

20 THE COURT: Oh, yeah. Well, in the restitution request
21 there's reference to funeral expenses, which I get; transportation to
22 counseling, I'm not sure what that is; and then medical expenses.

23 And it's not really things that specify whether we're speaking
24 about Divina or her mom. And then also travel and lodging, I'm not sure
25 what that is, 'cause I would assume your office would have paid through

1 Victim Witness to transport so.

2 MS. FLECK: Right, yeah, of course.

3 THE COURT: So it just appeared that there are things that
4 maybe have been covered already --

5 MS. FLECK: Okay. Let me --

6 THE COURT: -- in my mind and --

7 MS. FLECK: -- let me look through these.

8 THE COURT: Okay.

9 MS. FLECK: I know -- Chelsea's not here today but let me
10 look through them and see if I can contact someone in VWAC --

11 THE COURT: Okay.

12 MS. FLECK: -- and see what was submitted.

13 THE COURT: All right. We'll recall it in just a little bit.

14 [Hearing trailed at 10:26 a.m.]

15 [Hearing recalled at 10:45 a.m.]

16 THE COURT: Okay. We'll go back to Mr. Woods' matter.

17 So what's the -- what's the pleasure? Do you want to go
18 forward or you need more time to go through everything?

19 [Colloquy between Defense Counsel and the Defendant]

20 THE DEFENDANT: I've got a couple issues, but I don't see
21 the need to come back for 'em. We could just resolve all this today.

22 THE COURT: Okay. So what are the issues?

23 THE DEFENDANT: One was when Julia had the case she
24 filed the motion -- discovery motion asking about the counseling records
25 and they never disclosed --

1 THE COURT: Okay.

2 THE DEFENDANT: -- any to us but now they're asking for
3 money for counseling --

4 MS. FLECK: And --

5 THE DEFENDANT: -- 'cause I didn't understand that.

6 THE COURT: Okay.

7 MS. FLECK: -- we're going to forego that actually. We're
8 just -- we don't have a way to substantiate the other things. Divina's not
9 here today. Chelsea's not here today. He's spending the rest of his life
10 in prison. So we're going to go with the \$2500 and the funeral expenses
11 and we'll forgo the rest.

12 THE COURT: Okay. All right.

13 THE DEFENDANT: And the other thing was kind of minor but
14 it was there. I never had any priors in Las Vegas ever. And they have
15 me down for some kind of prior.

16 MS. MURRAY: On the bottom of page five there's a notation
17 of a petit larceny but no case number or ticket number with it.

18 THE COURT: Okay. Do you have any opposition, State, to
19 striking that?

20 MS. FLECK: Yeah, I don't have any opposition to that.

21 THE COURT: All right. So we will strike that.

22 And then you can prepare an order Ms. Wood -- Mr. Woods or
23 ask Ms. Murray to assist you with that, just showing that we did that
24 before you were sentenced, and they'll take that out of their computer
25 system related to your PSI; okay.

1 All right. With that, State, did you have anything further?

2 MS. FLECK: Nothing else.

3 Thank you, Your Honor.

4 THE COURT: Mr. Woods, was there anything that you wished
5 to say, sir?

6 THE DEFENDANT: Yeah, I -- I know that no one's
7 guaranteed a perfect trial but I believe everybody should be guaranteed
8 a fair trial. When I know I had a lot of issues concerning my trial, the
9 fairness of the trial, but I'm hoping and praying that through the appellate
10 process those issues are resolved.

11 I came here today to ask -- well, to add to that, what the jury
12 had to work with, I, like I said then, I respect their decision
13 wholeheartedly.

14 I came here today to ask you if you could find leniency to run
15 the other charges concurrent with the murder charge, since life without
16 was extreme enough punishment. But since everybody seemed like
17 they was in concordance with that then I'm fine with that also.

18 I have already expressed how I felt about the whole situation
19 to you. And I'm -- I'm -- I think I'll leave the record.

20 THE COURT: All right. Well, I, look, this is a incredibly tragic
21 case. And I don't think, Mr. Woods, even -- even maintaining innocence,
22 I know 'cause you were emotional at the time of trial. I know even you
23 recognized that the way this woman died was incredibly brutal, was
24 incredibly brutal.

25 The thing about it that struck me since you started

1 representing yourself if you've always been very respectful in dealing
2 with me. Very articulate, very respectful, very knowledgeable. And
3 you -- you've presented this really interesting dichotomy of character in
4 that I think that you're truly very emotional about what happened.

5 And reading the statement to police, that ended up being
6 suppressed, I mean, by motion, as it should have been, but nonetheless
7 that showed a side of you that seemed to be incredibly remorseful and --
8 and was admitting to involvement in certain things and explaining
9 reasons for it, including the narcotic use and being on the streets for two
10 weeks, and everything culminating in this horrible event occurring.

11 And then at trial, which you're absolutely entitled to do, don't
12 get me wrong, kind of taking this position in the face of, what I would
13 consider, without any disrespect to you, to be overwhelming evidence of
14 your involvement and guilt.

15 But taking the position that you had absolutely no involvement
16 in that, you presented a really difficult scenario to the jury. They felt like
17 overwhelming evidence of your guilt, you take no responsibility; hence
18 you end up with life without the possibility of parole.

19 Where I think your attorney, had you allowed them to continue
20 to work on your behalf, probably had a very good chance of presenting
21 to the jury things that arguably would have given them a lot of pause in
22 the trial phase, but more importantly in the sentencing phase to be able
23 to spare you a life without the possibility of parole sentence.

24 And sometimes, you know, discretion is the better part of
25 valor. I mean, we think that we know better than everybody what to do

1 in trials, and this is why I had that conversation with you over and over
2 again about it's just not very smart to try and represent yourself in a
3 situation like this and here we are.

4 So, look, I agree with the idea of running everything
5 concurrent, that's not really an issue. The jury decided to sentence you
6 to life without parole.

7 I do -- and I respect your opinion about it -- I do think you
8 received a fair trial. I think you were incredibly ill-prepared to -- to
9 defend yourself in a first degree murder situation, which is why I tried as
10 hard as I did to get you to allow your attorneys to stay on the case, but in
11 any event.

12 There's a \$25 administrative fee, a \$150 DNA fee, \$3 DNA
13 collection fee, \$250 fine. I will order the \$2500 in restitution that I'm
14 assuming is payable through Victims of Crime as well. I don't know. If
15 that needs to be amended, just let me know if it was paid directly by the
16 family.

17 MS. FLECK: Okay.

18 THE COURT: But I'm assuming it's Victims of Crime.

19 On Count 1, pursuant to the jury's verdict, I will sentence you
20 to life without the possibility of parole for the first degree murder
21 conviction.

22 In regard to the deadly weapon enhancement, I have
23 considered everything under NRS 193.165 regarding the use of the
24 weapon, in this case a knife, a manner in which it was used and all
25 intended circumstances both in aggravation and mitigation, and I am

1 going to sentence you to a consecutive 96 to 240 months for the use of
2 the weapon.

3 On Counts 2, 3, and 4, those are all gross misdemeanors,
4 you'll be sentenced to 364 days in the detention center, all three of those
5 counts run concurrent to Count 1.

6 Counts 5 and 6, the two ex-felon possession of firearm
7 charges, felonies, those will each be 28 to 72 months, also running
8 concurrent to Count 1.

9 So all charges run concurrent to Count 1.

10 And then I believe at this time there's 1,379 days credit for
11 time served.

12 MS. FLECK: Correct, Your Honor.

13 Thank you.

14 THE COURT: Okay.

15 MS. MURRAY: And, Your Honor, just before we leave, I do
16 have a notice of appeal that Mr. Woods provided to me that he'd like to
17 file with the Court, as he'll be transferring to the prison.

18 THE COURT: Okay.

19 MS. MURRAY: Can I file that on his behalf?

20 THE COURT: Yeah.

21 MS. MURRAY: And also I notified him that it's my
22 understanding that a pro per litigant cannot represent themselves on direct
23 appeal in front of the Nevada Supreme Court.

24 THE COURT: Correct.

25 MS. MURRAY: So I think he had a request he wanted to

1 make.

2 THE COURT: Okay.

3 THE DEFENDANT: Well, I was requesting that I be appointed
4 counsel for the appellate process.

5 THE COURT: Well, I'm going to have the Public Defender's
6 Office step back in and take over your case since they've been standby
7 counsel. There was never any order by me indicating that there was any
8 conflict in their representation. And, obviously, Ms. Murray and -- the
9 name's slipping me, the other gentleman.

10 MS. MURRAY: Mr. Hauser.

11 THE COURT: Yeah, thank you.

12 -- were involved in the trial. So they're in the best position
13 obviously to pursue that as well. If there needs to be some change
14 thereafter, the Supreme Court will send it back to me to appoint different
15 counsel. But we'll get them in place right now so they can get the notice
16 of appeal filed and start pursuing that; okay.

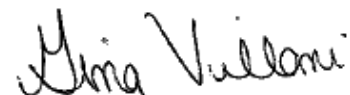
17 All right, guys, thank you.

18 MR. ROGAN: Thank you, Your Honor.

19 [Hearing concluded at 10:54 a.m.]

20 * * * * *

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

23 

24 Gina Villani
25 Court Recorder/Transcriber
District Court Dept. IX



SAO
DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
DEBORAH L. WESTBROOK
CHIEF DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 9285
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite #226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

LEONARD RAY WOODS,

Defendant.

CASE NO. C-15-309820-1

DEPT.: III

STIPULATION AND ORDER TO UNSEAL TRANSCRIPT

Based on the stipulation and agreement by and between Chief Deputy Public Defender, Deborah L. Westbrook and Chief Deputy District Attorney, Michele N. Fleck it is hereby agreed as follows:

1. At defense counsel's request, the court conducted several *ex parte* hearings pursuant to Young v. State, 120 Nev. 963, 102 P.3d 572 (2004), to inquire into differences between the defendant and defense counsel. One such hearing, held on July 21, 2016, was placed under seal to avoid disclosing trial strategy prior to trial.

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1 2. Now that trial is over, the parties stipulate and agree to unseal Recorder's Transcript
2 of Proceedings Defendant's Motion to Dismiss Counsel and Appointment of Alternate Counsel -
3 sealed per 7/21/16 Minutes, filed under seal on July 25, 2019.

4
5 DARIN F. IMLAY
6 CLARK COUNTY PUBLIC DEFENDER

STEVE WOLFSON
CLARK COUNTY DISTRICT ATTORNEY

7
8 By: 
9 DEBORAH L. WESTBROOK, #9285
Chief Deputy Public Defender

By: 
MICHELLE N. FLECK, #10040
Chief Deputy District Attorney

10
11
12 IT IS SO ORDERED.

13
14 DATED 4th day of FEB 2020.

15
16 
17 DISTRICT COURT JUDGE
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 21, 2016**

C-15-309820-1 State of Nevada
 vs
 LEONARD WOODS

July 21, 2016 8:30 AM Hearing

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES**

PRESENT:	Murray, Julia	Deputy Public Defender
	Public Defender	
	Savage, Jordan S.	Deputy Public Defender
	WOODS, LEONARD RAY	Defendant

JOURNAL ENTRIES

Courtroom was cleared.

COURT ORDERED, the following proceedings, including the JAVS Recording, and the transcript are SEALED.

Court reconvened with only Deft, his attorneys, Court Services, Marshal, the Court, Court Clerk and Law Clerk present. State not present.

Court asked Deft. why does he want to fire his lawyers again. Deft. made statements regarding his concerns on investigation issues, current investigation, his other case in the system, deterioration of his relationship with his attorneys, and Ms. Murray having made comments to him referencing the words "white people". Court assured to Deft. Ms. Murray did not prejudice against him with this Court, and the Court could care less if both Deft. and his attorneys do not like one another, as this does not affect the Court. Court reminded Deft. he can seek new counsel. Deft. stated he cannot face

PRINT DATE: 07/21/2016

Page 1 of 2

Minutes Date: July 21, 2016

the same charges in two different Courtrooms. Ms. Murray advised Deft. represented to her that he was brought before Justice Court in Department 11 originally, for a pre-complaint status check, to which no complaint was filed in that case, and a future hearing date had remained. Additionally, thereafter, the State ultimately filed a complaint to include all charges, which is before this Court now. Court reviewed Justice Court Case 15F10603X in Odyssey, and advised Deft. this case was denied. Deft. stated his attorneys and himself are not getting along. Court advised Deft. there is no basis to dismiss his lawyers. Deft. requested to represent himself. Court reminded Deft. he does not get an attorney of his choice, and there was no legal basis made to the Court to dismiss his lawyers, other than he does not get along with Mr. Savage or with Ms. Murray. Deft. stated the Court does not know what happens outside of the Courtroom when he meets with his lawyers. Court advised Deft. it should be that way, and the lawyers are telling him the truth. Deft. stated that is not what is happening, and he wants to prove his innocence. Court advised Deft. he does not have to prove anything, as the State has to prove if he is guilty. Ms. Murray requested a continuance of this case to allow time for defense to go over the Faretta canvass and procedures with him, as he may not be prepared to go forward today. Court stated it will consider the continuance request. Deft. stated he will request Court to reconsider his motion to dismiss counsel. Court advised Deft. it will not reconsider. Deft. stated things are not getting better between the attorneys and himself. Court advised Deft. if he wants to represent himself, this Court will let him do so with no problem, however, the Court just has to canvass him and ask him questions first. Court scheduled the Faretta canvass hearing for July 28, 2016 at 8:30 a.m., and ORDERED, the assigned Public Defenders in this case will appear with the State at the Faretta Canvass.

CUSTODY

FILED
JUL 25 2019
Shirley L. Johnson
CLERK OF COURT

1 **RTRAN**

2
3
4
5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 **THE STATE OF NEVADA,**
9 **Plaintiff,**

} **CASE#: C-15-309820-1**

} **DEPT. XII**

10 **vs.**

11 **LEONARD RAY WOODS,**
12 **Defendant.**

13
14 **BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE**
15 **THURSDAY, JULY 21, 2016**

16 ***RECORDER'S TRANSCRIPT OF PROCEEDINGS***
17 ***DEFENDANT'S MOTION TO DISMISS COUNSEL AND***
18 ***APPOINTMENT OF ALTERNATE COUNSEL***

19 **APPEARANCES:**

20 **For the State:**

MICHELLE FLECK, ESQ.
Chief Deputy District Attorney

21
22 **For the Defendant:**

JULIA M. MURRAY, ESQ.
Deputy Public Defender

23
24
25 **RECORDED BY: KRISTINE CORNELIUS, COURT RECORDER**

1 Las Vegas, Nevada, Thursday, July 21, 2016

2
3 [Proceedings commenced at 11:09 a.m.]

4 THE COURT: Page 10. State versus Leonard Woods,
5 C309820. He's present. He's in custody.

6 Good morning. Sorry you had to wait so long.

7 MS. MURRAY: Oh, no problem at all.

8 THE COURT: Okay.

9 MS. MURRAY: Thank you for trailing it for us.

10 THE COURT: All right. So I -- I saw your motion again. Is
11 there anything you want to add?

12 THE DEFENDENT: Yes, besides the --

13 MS. MURRAY: Well, wait, before Mr. Woods speaks. Your
14 Honor, I would just ask that anything that he says, just due to the
15 privileged nature of a number of the things that he would be wanting to
16 disclose --

17 THE COURT: Oh, you think he's --

18 MS. MURRAY: -- based on what he filed --

19 THE COURT: -- going to disclose --

20 MS. MURRAY: I think he wants to get into the attorney-client
21 relationship and I just think for his own protections that that should be
22 done in sealed *Young* hearing as we requested the last time these
23 concerns were raised. And since --

24 THE COURT: Okay.

25 MS. MURRAY: -- the case law allows for it, I just think it's the

1 best way to protect him and allow him everything he wants to say.

2 THE COURT: Okay. Do you mind -- I just -- I'll just -- I have a
3 couple more and I'll just come back --

4 MS. MURRAY: Absolutely.

5 THE COURT: -- and call this last.

6 MS. MURRAY: Thank you.

7 [Proceedings trailed at 11:10 a.m.]

8 [Proceedings recalled at 11:16 a.m.]

9 THE COURT: Okay, back to page 10. State of Nevada
10 versus Woods, C309820.

11 So you want me to clear the courtroom for the hearing?

12 MS. MURRAY: I do --

13 THE COURT: Okay.

14 MS. MURRAY: -- because I think he wants to get into matters
15 relating to things like investigation, and defense theory, and attorney-
16 client relationship, and I just think he should be protected in doing so.

17 THE COURT: Can you get the other -- can we --

18 THE CORRECTIONS OFFICER: Oh, I'm sorry.

19 THE COURT: -- get the other inmates out.

20 MS. FLECK: I'll just wait outside then.

21 THE COURT: Right.

22 MS. FLECK: Will you grab me? Okay.

23 [Pause in proceedings]

24 THE COURT: Okay. The record will reflect that the --

25 MS. MURRAY: Thank you. I appreciate it.

1 THE COURT: -- courtroom has been. The inmates have
2 been taken out. The only people left are the officers of the Court and
3 some members of your office.

4 MS. MURRAY: Yeah, there's one --

5 THE COURT: I'm sure you're okay with them being here.

6 MR. SAVAGE: Yes, they're fine.

7 MS. MURRAY: And that's -- yes, obviously fine by us.

8 THE COURT: All right.

9 Mr. Woods, go ahead. What's the problem? Why do you
10 keep wanting to fire your lawyers?

11 THE DEFENDENT: Because, Your Honor, this is -- this
12 relationship, the trust, rapport, communication has deteriorated so much
13 it's beyond repair. This has been going on since October.

14 THE COURT: You're going to have to give me some
15 specifics.

16 THE DEFENDENT: Say that one more time.

17 THE COURT: You don't --

18 THE DEFENDENT: Oh, yeah, I'm about to.

19 THE COURT: -- have to like your lawyer.

20 THE DEFENDENT: Huh?

21 THE COURT: You don't have to like them.

22 THE DEFENDENT: No, that's not it --

23 THE COURT: And they don't have to like you.

24 THE DEFENDENT: -- at all. What I'm saying is --

25 THE COURT: You said they have failed to investigate. What

1 have they failed to investigate?

2 THE DEFENDENT: My alibis for one. If they would've did
3 their job in the first place they would've found me somewhere at the time
4 that this crime was going on. They never even went down there to check
5 it out. Also, I have people in San Diego that I was with 300 miles away
6 when I got people up here saying I was stalking people and breaking in
7 houses and all that stuff they aren't even calling. You know, and then
8 when they did decide to call it was February when I was telling them this
9 in August.

10 THE COURT: So they have investigated your alibi, just not --

11 THE DEFENDENT: Not thoroughly.

12 THE COURT: -- I guess --

13 THE DEFENDENT: Not all -- like I gave 'em 12 to 15 people
14 that they could've called and checked where my EBT card was used in
15 some of these stores. If they would've went and saw me on this camera
16 and in several other stores I wouldn't even be standing here before you
17 today.

18 Another thing I'm -- I was concerned about is not only have
19 the relationship deteriorated, when she made that statement --

20 THE COURT: What statement?

21 THE DEFENDENT: The last time we was in here. When she
22 made the statement that she don't think I want a white woman defending
23 me. Your Honor, that was so --

24 THE COURT: Oh. You know what? I could care less.

25 THE DEFENDENT: -- untrue, unfair.

1 THE COURT: That did not affect me at all.
2 THE DEFENDENT: But it affected me.
3 THE COURT: If you think that's -- yeah, but you said --
4 THE DEFENDENT: That's not -- I'm not gonna get --
5 THE COURT: -- in your motion you think that she prejudiced
6 you against the Court. No, she didn't.
7 THE DEFENDENT: No, that's what I had said.
8 THE COURT: Just so you know.
9 THE DEFENDENT: Okay. But I --
10 THE COURT: Right. But you can't talk --
11 THE DEFENDENT: -- did say that --
12 THE COURT: -- for me. I'll telling -- I can talk for me, you
13 can't.
14 THE DEFENDENT: Okay. You know --
15 THE COURT: She did not prejudice --
16 THE DEFENDENT: -- I said that's how --
17 THE COURT: -- you with me.
18 THE DEFENDENT: -- that made me feel. I didn't --
19 THE COURT: Okay.
20 THE DEFENDENT: -- wasn't -- like you said, I can't speak for
21 you, but --
22 THE COURT: Sure.
23 THE DEFENDENT: I don't --
24 THE COURT: But you don't have to worry about that. I don't
25 care. I could care less about that.

1 THE DEFENDENT: Okay.

2 THE COURT: Okay. I mean, that did not affect you and me
3 or anything that has to do with your case. I don't even care about that.
4 I'm beyond that.

5 THE DEFENDENT: But I don't want somebody going and
6 trying to pretend to represent me when they got that kind of mindset
7 against me in the first place. I've been telling them since day one I
8 turned myself in because I was innocent. They've been telling me I
9 turned myself in because I was guilty. How can someone fairly represent
10 me when they have that mindset against me in the first place? You know
11 what -- and I know I'm not -- I can't have --

12 THE COURT: I mean, that's just the person to represent you.

13 THE DEFENDENT: Say that one more time.

14 THE COURT: Go ahead.

15 THE DEFENDENT: I don't want to be forced to have a --

16 THE COURT: Okay. Let me explain to you. You don't think
17 that -- okay. You can hire any private lawyer of your choice, but when
18 you're seeking a Court appointed lawyer you do not get a lawyer of your
19 choice; do you understand that?

20 THE DEFENDENT: Yes, ma'am.

21 THE COURT: So you're trying to force me to appoint a lawyer
22 of your choice. I don't have to do that.

23 THE DEFENDENT: I don't --

24 THE COURT: You have two extremely effective and
25 competent lawyers here.

1 THE DEFENDENT: They're not doing their -- that's not -- no,
2 they're not to my --

3 THE COURT: Right. So they haven't called the witnesses
4 you wanted in a timely manner. What else?

5 THE DEFENDENT: No. And I been fighting these charges in
6 another courtroom that I've been telling her two or three times she hasn't
7 showed up for. The same -- some of the same charges I'm in JC 11
8 fighting. And I know that's -- I don't know if that's double jeopardy or not,
9 but I know I'm not supposed to be fighting the same charges in two
10 different courtrooms which I've been telling her over and over again and
11 she still hasn't showed up.

12 THE COURT: They're not the same charges.

13 THE DEFENDENT: They are the same charges.

14 THE COURT: Okay. Well, then you don't got to worry about
15 anything because you're right. You can't be facing the same charges in
16 two different courtrooms.

17 THE DEFENDENT: But I am.

18 THE COURT: So you're right. Okay. Well, that's what I'm
19 saying. Maybe your lawyer knows something --

20 MS. MURRAY: I can speak to that one --

21 THE COURT: Would you want enlighten me on that?

22 MS. MURRAY: -- particular issue.

23 THE COURT: Okay.

24 MS. MURRAY: Mr. Woods did represent to me that he was
25 brought to Justice Court 11 after this case was filed because I guess

1 originally --

2 THE DEFENDENT: No, it was before this case was filed.

3 That was my original -- that my --

4 THE COURT: Just let her talk.

5 THE DEFENDENT: -- original charges --

6 MS. MURRAY: Because as I started --

7 THE COURT: Let her talk.

8 MS. MURRAY: -- to say, I guess originally when he was first
9 arrested on the allegations related to last summer, the July allegations,
10 the case went to screening and was assigned for a pre-complaint status
11 check in Justice Court 11.

12 THE COURT: Okay.

13 MS. MURRAY: No complaint was ever filed in that
14 department.

15 THE COURT: Got it.

16 MS. MURRAY: He was released after 72 hours. My
17 understanding is that -- is that that department did already have in their
18 system a future check-in date; however, no complaint was ever filed in
19 that department due to the fact that those charges were ultimately filed
20 as one complaint --

21 THE COURT: Okay. So he's never gone back --

22 MS. MURRAY: -- in this case.

23 THE COURT: -- to Department 11?

24 MS. MURRAY: I do actually believe, based on what he's told
25 me, that they did transport him to one of those status checks.

1 THE COURT: Okay.

2 MS. MURRAY: I obviously was unaware of it prior to;
3 otherwise I would've come into the courtroom and explained to them
4 what had happened. I did contact the department after the fact and
5 asked them if there was any other open cases of Mr. Woods that in any
6 way looked like they related to this. Because even if they hadn't related
7 to this, if they were Public Defender cases, our policy is I would've --

8 THE COURT: Sure.

9 MS. MURRAY: -- at a minimum gone and offered to be
10 second chair on those cases if not taken that case over from the track
11 anyhow. My understanding is that nothing has ever been filed in any
12 other department and that the department just never received the proper
13 paperwork to close it out through the Justice Court Odyssey system, but I
14 don't actually believe there's any pending.

15 THE COURT: So he's not facing the same charges in two
16 different departments.

17 MS. MURRAY: It was pre-screening --

18 THE COURT: Okay.

19 MS. MURRAY: -- status check on a filing of a criminal
20 complaint that was ultimately never filed is my understanding of the
21 situation.

22 THE COURT: Okay.

23 MS. MURRAY: I could certainly be incorrect. If he has
24 something additional to that I would certainly defer to it as he was the
25 one brought to the courtroom.

1 THE COURT: Did you get served with any information or
2 charging document?

3 THE DEFENDENT: Well, the last time I went was just last
4 week when they threw the case out. And I have --

5 THE COURT: Okay. So basically --

6 THE DEFENDENT: -- the case number right --

7 THE COURT: -- what she said is true. What's the case
8 number? Tell it to me.

9 THE DEFENDENT: PC15F10603. And I'm saying if they
10 threw the case out in that courtroom why is I'm still being charged in this
11 courtroom --

12 THE COURT: That's exactly why.

13 THE DEFENDENT: -- with those same charges.

14 MS. MURRAY: That's what I've tried to explain.

15 THE COURT: Yeah.

16 MS. MURRAY: It was a pre-complaint date. It was because
17 they filed under this case number after they decided to link these two
18 series of events in their allegations.

19 THE COURT: Okay. And I'm showing that case in the
20 system as being denied, so you're not being -- you're not facing the same
21 charges in two different departments.

22 THE DEFENDENT: I've been going --

23 THE COURT: So she did exactly --

24 THE DEFENDENT: -- there for a year.

25 THE COURT: -- what she said she did.

1 THE DEFENDENT: I've been going there for a year off and
2 on fighting it.

3 THE COURT: Okay. I can tell you they're denied, so you're
4 not facing the same charges in two different departments. Do you want
5 to move on?

6 THE DEFENDENT: I guess --

7 THE COURT: Okay.

8 THE DEFENDENT: -- we have to.

9 THE COURT: Go ahead.

10 THE DEFENDENT: Your Honor, before -- I would go pro per
11 -- even though I do not want to represent myself because I know the old
12 saying --

13 THE COURT: Sure.

14 THE DEFENDENT: -- but --

15 THE COURT: What is it? Who has a client --

16 THE DEFENDENT: Any man that represents --

17 THE COURT: Yeah.

18 THE DEFENDENT: -- himself has a fool --

19 THE COURT: A fool for --

20 THE DEFENDENT: -- for a client.

21 THE COURT: -- a client. Okay.

22 THE DEFENDENT: But, Your Honor, I'm not gonna go
23 forward with these guys when I know this is not gonna end well with me.
24 We not getting along. Every -- every --

25 THE COURT: Okay.

1 THE DEFENDENT: -- contact visit is arguing what they're
2 telling me. I'm -- I'm innocent and I'm -- and they're telling me I'm guilty,
3 that's not gonna go right.

4 When -- what I really don't like -- I don't want to try to
5 represent my -- myself in here and make a circus of the Court, or make a
6 mockery of when I'm getting into over my head trying to defend myself as
7 best of my ability. But more importantly than that, I don't want it to go to
8 trial and I'm asking this 15 year old these tough questions about her
9 deceased mom, you know what I mean? That would be --

10 THE COURT: Yeah.

11 THE DEFENDENT: -- ugly and unfair to everybody involved.

12 THE COURT: That's your choice. I don't see any basis to
13 dismiss your lawyer.

14 THE DEFENDENT: I'm not gonna go forward with them, so I
15 rather -- if -- if that has to be the case I'd rather just do it myself.

16 THE COURT: You want to represent yourself?

17 THE DEFENDENT: That's what it has to be. I don't see why
18 not I can't get an alternate attorney when that's what my motion was filed
19 for.

20 MS. MURRAY: And, Your Honor --

21 THE COURT: Okay. Remember what --

22 MS. MURRAY: -- before you --

23 THE COURT: -- I told you before. You don't get an attorney
24 of your choice. You get a --

25 THE DEFENDENT: I don't want one of my --

1 THE COURT: -- competent and effective attorney, which I've
2 already made a determination you have. If you want to hire your own
3 private attorney you can. I'm not going to come in and dismiss your
4 attorney because you can't get along with your attorney is what is sounds
5 to me. You have not given me any legal basis except that you guys don't
6 seem to get along. That's basically what I hear here is you don't get
7 along with them. Because I know they're going figure out how to get
8 along with you to represent him because that's what they do for a living.

9 THE DEFENDENT: Your Honor, it's a whole different story
10 when we're gonna behind in those contact visits. You don't even
11 understand.

12 THE COURT: Probably should be. It should be --

13 THE DEFENDENT: What do you mean --

14 THE COURT: -- a whole different story.

15 THE DEFENDENT: -- it should be?

16 THE COURT: Because they should tell you the truth.

17 THE DEFENDENT: No, that's not what's happening at all,
18 Your Honor.

19 THE COURT: Okay.

20 THE DEFENDENT: This is getting ridiculous. It's been going
21 on too long.

22 THE COURT: Okay.

23 THE DEFENDENT: It's not gonna end up fair for me. I --
24 that's not -- that's not right. I should have a fair and effective counsel.
25 That's not --

1 THE COURT: I agree.

2 THE DEFENDENT: -- what I'm getting out of these guys --

3 THE COURT: Okay.

4 THE DEFENDENT: -- at all. I just want --

5 THE COURT: I agree with you.

6 THE DEFENDENT: -- to be represented fairly. I want a fair

7 shot at proving my innocence and I'm not getting that with these guys.

8 THE COURT: You don't have to prove your innocence.

9 THE DEFENDENT: What do you mean?

10 THE COURT: The State has to prove you're guilty. You don't

11 have to prove anything.

12 THE DEFENDENT: But if they're not --

13 THE COURT: If you want to represent --

14 THE DEFENDENT: -- getting enough evidence --

15 THE COURT: -- yourself just let me know and we'll go

16 forward with a *Faretta* canvass.

17 THE DEFENDENT: Judge, I'm not kidding --

18 THE COURT: I'll bring the State of Nevada back in --

19 MS. MURRAY: Your Honor, before you go --

20 THE COURT: -- and we'll do a *Faretta* canvass.

21 MS. MURRAY: -- forward with a *Faretta*, I just don't know that

22 he is prepared to answer all those questions today. I would just like to

23 offer, despite what's unfolded here, if he would like it, maybe pass it a

24 week to allow me to go over exactly what happens at a *Faretta* canvass

25 with him --

1 THE COURT: I don't have any problem with that.

2 MS. MURRAY: -- so that he could be -- it's obviously a
3 question for him to answer as well --

4 THE COURT: Okay.

5 MS. MURRAY: -- but that way at least, if that is the choice he
6 elects to makes --

7 THE COURT: Okay.

8 MS. MURRAY: -- he would be prepared to do so. I just don't
9 think --

10 THE COURT: All right. I'll give you a week --

11 MS. MURRAY: -- he'd be prepared to --

12 THE COURT: -- because I think the --

13 MS. MURRAY: -- do so today.

14 THE COURT: -- the seriousness of the charges require that.
15 You can talk to your lawyer about whether you want to go forward.

16 THE DEFENDENT: I would ask for you to just please -- I'm
17 begging you --

18 THE COURT: Okay.

19 THE DEFENDENT: -- to reconsider, Your Honor.

20 THE COURT: I'm not going to reconsider.

21 MS. MURRAY: And I can even send him --

22 THE DEFENDENT: Okay. Well, I'm not gonna --

23 MS. MURRAY: -- the information in writing --

24 THE DEFENDENT: -- I don't wanna --

25 MS. MURRAY: -- if he doesn't want to speak to me.

1 THE COURT: Okay.

2 MS. MURRAY: That's fine. I just think he --

3 THE COURT: That's fine.

4 MS. MURRAY: -- needs an opportunity --

5 THE COURT: You can just come back --

6 MS. MURRAY: -- to prepare.

7 THE COURT: -- and make those representations. In a couple

8 days he might cool off and --

9 MS. MURRAY: And that's perfectly fine.

10 THE COURT: Cooler heads prevail --

11 THE DEFENDENT: This has been going on for --

12 THE COURT: -- and hopefully he'll talk to you and come to

13 his senses.

14 THE DEFENDENT: This has been going on for a year. If I'm

15 not cooled --

16 THE COURT: Okay.

17 THE DEFENDENT: -- off by now this is not gonna get any

18 better.

19 THE COURT: Okay.

20 THE DEFENDENT: I told you it's been deteriorating since

21 October.

22 THE COURT: Listen. If you want to represent yourself I'm

23 going to let you, just so you know. I'm going to have no problem with it.

24 You have a constitutional right to represent yourself, but I just have to do

25 a *Faretta* canvass first. I have no problem if you want to represent

1 yourself. So I'll see you in one week.

2 THE COURT CLERK: July 28, 8:30.

3 THE COURT: Is the State of Nevada still out there?

4 MS. MURRAY: They are.

5 THE COURT: All right. Because I just probably need to bring
6 them back in to let them know --

7 MS. MURRAY: Yeah.

8 THE COURT: -- what we're going to do.

9 THE COURT RECORDER: And, Your Honor, is that sealed?
10 The [indiscernible].

11 THE COURT: Yes. Yes.

12 THE COURT RECORDER: Okay.

13 THE COURT: Yes. Yes, seal this.

14 THE COURT RECORDER: Okay.

15 THE COURT: Thank you.

16 THE COURT RECORDER: Mm-hmm.

17 THE COURT: Okay. The record will reflect that Ms. Fleck is
18 back in the courtroom.

19 Based on the hearing we just had, Mr. Woods has asked the
20 Court whether he can represent himself. I said that I'm going to set it for
21 a *Faretta* canvass in one week and ask his attorneys to speak to him
22 about the implications of that.

23 MS. FLECK: Okay. Sounds good.

24 THE COURT: So I'm going to set it for a *Faretta* canvass on
25 July 28th at 8:30.

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MS. FLECK: July 28th at 8:30.
THE COURT: Mm-hmm.
You guys will be here though regardless; right?
MR. SAVAGE: Yeah.
THE COURT: Okay. Thank you.
MS. MURRAY: Thank you.
MS. FLECK: Thank you, Your Honor.
MR. SAVAGE: Thank you, Your Honor.
THE COURT: Have a good day.
THE CORRECTIONS OFFICER: Have a good day.

[Proceedings concluded at 11:29 a.m.]

* * * * *

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


SANDRA PRUCHNIC
Court Recorder/Transcriber

DEFENDANT'S PROPOSED VOIR DIRE

- 1) Are you capable of being fair and impartial to someone accused of murder?
- 2) Do you believe that you have the ability to follow the letter of the law as it pertains to all aspects of murder?
- 3) Do you personally know of someone who has been killed or murdered?
What are your views?
- 4) What are your views on race and interracial relationships?
- 5) Do you believe someone is automatically guilty because they have been arrested or accused?
- 6) What are your views on the state having to prove beyond reasonable doubt?
- 7) What are your views on the defense having no burden of proof?
- 8) What are your views on the state having no physical evidence for conviction?
- 9) Do you believe someone who falsely accuses another should also be punished?
- 10) Do you believe officers who tamper with evidence or lie in trial should be punished?
- 11) Do you believe police officers are always right?

STATE'S PROPOSED VOIR DIRE

VOIR DIRE

1. INTRODUCTION

- Purpose of Voir Dire = To seat a Fair and Impartial Jury
- Perfect Juror = A fair and impartial person who will comply with the oath by listening to the evidence in the case with an open mind and deciding the case based solely on the evidence
- NOT A PERSON who will base the verdict on emotion, bias, prejudice, personal experiences, TV shows, movies, etc
- IMPORTANCE OF TELLING THE TRUTH

2. JUDGES QUESTIONS

- Follow the Law
- Consider Only the Evidence
- Keep an Open Mind and not decide until all evidence submitted
- Won't Speculate, Apply Bias or Prejudice or Consider Sympathy
- Friends/Family with Anyone in DAs office or Criminal Defense Attorneys in LV
- Age?
- How long lived in LV?
- Educational Level?
- Job?
- Married, Single, Divorced, Widowed?
 - Spouses Job?
- Kids?
 - Age?
 - Jobs?
- Prior Juror or Grand Juror?
 - Type of Case?
 - Verdict?
- Prior Law Enforcement or Connections to Law Enforcement?
- Have you or has anyone close to you been accused or arrested for a crime?
- Have you or has anyone close to you been the victim of a crime?
- Have you or has anyone close to you been the victim of sexual abuse? Whether it was reported or not.
- Have you or has anyone close to you been accused of a crime of a sexual nature?
- Have you ever been the subject of a restraining order? Either had one taken out against you, or you taken one out on another person.
- Have you ever been involved in a domestic relationship that resulted in violence, harassment, stalking, etc?
- Strong feelings about the criminal justice system? Root of those feelings.
- If chosen, do you understand you can not refuse to deliberate. You can disagree, but you must engage in the process.
- And if someone is not engaging and is not following their oath, will you alert the court.



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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