

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEONARD RAY WOODS,)	
)	
Appellant,)	
)	
vs.)	
)	
THE STATE OF NEVADA,)	
)	
Respondent.)	
)	

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Feb 13 2020 11:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 78816

MOTION TO TRANSMIT EXHIBITS

COMES NOW Appellant, LEONARD RAY WOODS, by and through Chief Deputy Public Defender DEBORAH L. WESTBROOK, and pursuant to Nevada Rules of Appellate Procedure 30(d) and 10(b)(1), asks this Court to direct the District Court to send a copy of **State's Exhibits 1** and **71** and **Court's Exhibit 5** to this Court for use when deciding the issues on appeal. This Motion is based upon the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

DATED this 13 day of February, 2020.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By /s/ Deborah L. Westbrook
DEBORAH L. WESTBROOK, #9285
Chief Deputy Public Defender

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 30(d) of the Nevada Rules of Appellate Procedure allows an appellant to include copies of relevant and necessary exhibits in the Appellant's Appendix. However, if an exhibit is not able to be reproduced,

the parties may file a motion requesting the court to direct the district court clerk to transmit the original exhibits. The court will not permit the transmittal of original exhibits except upon a showing that the exhibits are relevant to the issues raised on appeal, and that the court's review of the original exhibits is necessary to the determination of the issues.

NRAP 30 (d).

Leonard Woods asks that this Court direct the District Court Clerk's Office to transmit original **State's Exhibits 1 and 71** and **Court's Exhibit 5** to the Supreme Court for its review.

State's Exhibit 1 contains the August 5, 2015 surveillance video from the Walgreens where Josie Jones was murdered. The video is referenced in Mr. Woods' Opening Brief at page 50 and is relevant and necessary to Mr. Woods' argument that the prosecutor improperly narrated the video by asking a police detective leading questions while playing the video to the jury. This Court cannot properly evaluate Mr. Woods' argument, or the prejudice from the error, without access to the video in question. And Mr. Woods cannot reproduce this video in Appellant's Appendix.

State's Exhibit 71 contains a recording of a jail call that the State contends was placed by Mr. Woods after Josie Jones' murder. The recording is referenced in Mr. Woods' Opening Brief at pages 13 and 50. On page 13 of his Opening Brief, Mr. Woods describes the contents of the call as follows:

On the call, a man's voice says, "Hey I did something to Josie, but I don't think she's gonna make it." Then, the man says, "I didn't wanna go that far, I just like lost it. But now they tellin' me that she ain't gonna make it." (State's Exhibit 71).

There is no transcript of the recording and Mr. Woods cannot reproduce the audio in Appellant's Appendix. The above quotations would be unsupported without State's Exhibit 71. In addition, at page 50 of Mr. Woods' Opening Brief, he argues that the prosecutor improperly led the State's detective to opine that it was Mr. Woods' voice on the call. This Court cannot evaluate that argument without access to the call itself.

Court's Exhibit 5 is the State's opening PowerPoint presentation. At pages 46-47 of his Opening Brief, Mr. Woods argues that the State engaged in prosecutorial misconduct that undermined the presumption of innocence when it visually declared him "Guilty" in its opening PowerPoint presentation, in violation of Watters v. State, 129 Nev. 886, 313 P.3d 243 (2013). In order to evaluate that argument, this Court needs to see the PowerPoint presentation. However, the PowerPoint presentation cannot be

included in Appellant's Appendix, because Mr. Woods was charged with "capturing [an] image of [the] private area of another person" and there are photographs in the PowerPoint presentation that the State contends are evidence of that offense. Pursuant to **NRS 200.604(5)**,

If a person is charged with a violation of this section, any image of the private area of a victim that is contained within: (a) Court records . . . is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

NRS 200.604(5).

For all the foregoing reasons, Mr. Woods requests that this Honorable Court direct the Eighth Judicial District Court Clerk to transmit original **State's Exhibits 1 and 71** and **Court's Exhibit 5** for this Court's review.

DATED this 13 day of February, 2020.

DARIN IMLAY
CLARK COUNTY PUBLIC DEFENDER

By /s/ Deborah L. Westbrook
DEBORAH L. WESTBROOK, #9285
Chief Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

CERTIFICATE OF SERVICE

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:

AARON D. FORD
ALEXANDER CHEN

DEBORAH L. WESTBROOK
HOWARD S. BROOKS

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
NDOC No. 1216972
c/o Ely State Prison
P.O. Box 1989
Ely, NV 89301

BY /s/ Carrie M. Connolly
Employee, Clark County Public
Defender's Office