

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Electronically Filed
Feb 28 2020 10:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 78816

MOTION TO SUPPLEMENT APPELLANT'S APPENDIX

COMES NOW Appellant, LEONARD RAY WOODS, by and through Chief Deputy Public Defender DEBORAH L. WESTBROOK, and requests permission to file the attached Supplement to Appellant's Appendix, containing a redacted version of **Court's Exhibit 5**, which is necessary to an issue on appeal. This Motion is based upon the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

DATED this 28 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

On February 13, 2020, Mr. Woods filed his Opening Brief and Appellant's Appendix, along with a Motion to Transmit State's Exhibits 1 and 71 and Court's Exhibit 5. On February 27, 2020, this Court entered an Order granting Mr. Woods' motion to transmit State's Exhibits 1 and 71, but denying Mr. Woods' motion to transmit Court's Exhibit 5, which contains the State's opening PowerPoint presentation.

In its Order, the Court stated:

Appellant does not demonstrate that this exhibit is incapable of reproduction in the appendix or that this court's review of the original exhibit is necessary. *See id.* If this exhibit should be protected from view by the general public, appellant should file a motion to file the exhibit under seal. *See Howard v. State*, 128 Nev. 736, 746, 291 P.3d 137, 143 (2012). However, before filing such a motion, appellant should consider the requirement that the parties omit all matters not essential to this court's decision of the issues raised on appeal.

See Court's Order of 2/27/2020.

In light of this Court's Order, Mr. Woods hereby requests permission to file the attached Supplement to Appellant's Appendix, containing a redacted version of the State's opening PowerPoint presentation which omits all images of "the private area of a victim" pursuant to **NRS 200.604(5)**. The unredacted portions of Court's Exhibit 5 are necessary to Mr. Woods' argument at pages 46-47 of his Opening Brief 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).

DATED this 28 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 28 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 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

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APPELLANT'S SUPPLEMENTAL APPENDIX VOLUME XI PAGES 2162-2169

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

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

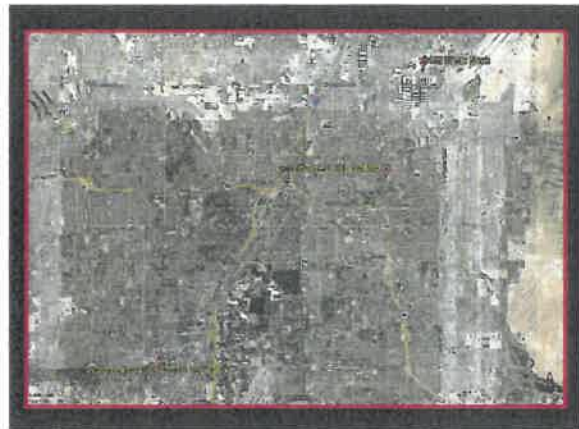
Counsel for Respondent

INDEX
LEONARD RAY WOODS
Case No. 78816

PAGE NO.

Court's Exhibit 5 dated 03/22/19..... 2162-2169

State of Nevada
-vs-
Leonard Woods



August 5, 2015

4905 Tropicana



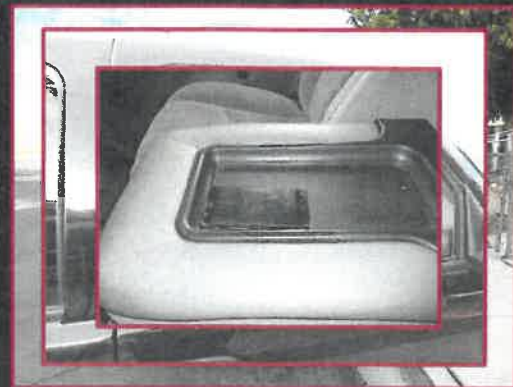
Courts Exhibit
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C309820 3/22/19

July 17, 2015

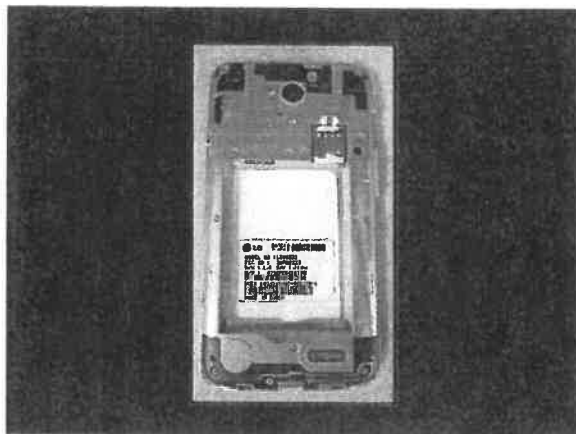
◆DEVYN HAGARTY

◆DORA DELPARDO

3492 Pinon Peak Drive



"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."



JULY 17, 2015
Defendant was arrested
for Open and Gross
Lewdness

◆DORIE HENLEY

◆PHILIP HENLEY



July 20, 2015

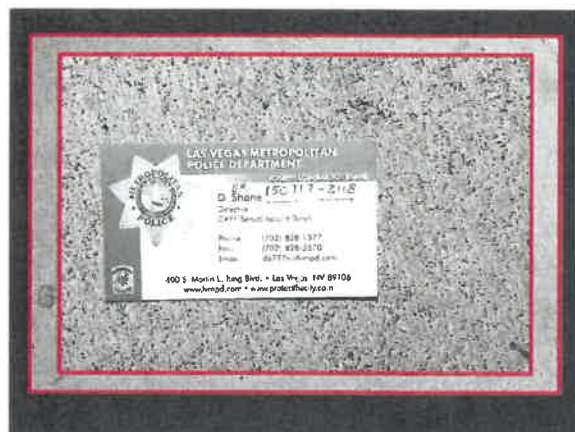
August 5, 2015



LAS VEGAS METROPOLITAN
POLICE DEPARTMENT

- ◆ Medical
- ◆ LVMPD Patrol Officers
- ◆ Crime Scene Analysts
- ◆ Detectives

- ◆ GARLAND CALHOUN
- ◆ YESENIA DELPINO



AUGUST 6
12:17 am

- ◆ LVMPD OFFICER SWARTZ
- ◆ LVMPD OFFICER HAYNES

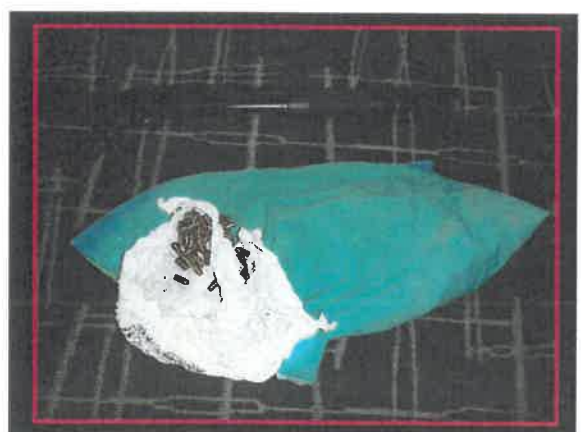
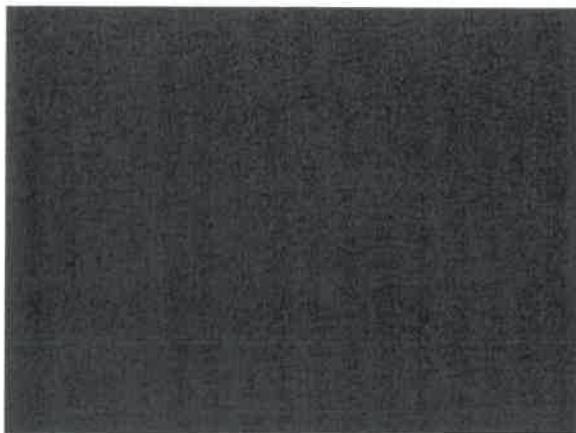
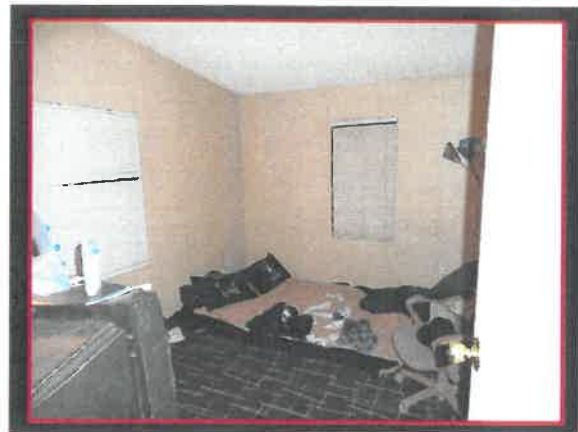
- ◆ "I want to talk to you"
- ◆ "I was involved in an incident and I think I'm wanted"
- ◆ Location: Tropicana and Decatur in the Walgreen's parking lot



GUILTY

AUGUST 6, 2015
Phone Call placed from the Clark
County Detention Center







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HOWARD S. BROOKS

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