

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jul 12 2019 01:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

RONNY DARROW POWE,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-15-308371-1

Docket No: 79043

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
RONNY POWE # 1173457,
PROPER PERSON
P.O. BOX 7007
CARSON CITY, NV 89702

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89101

I N D E X

<u>VOLUME:</u>	<u>PAGE NUMBER:</u>
1	1 - 240
2	241 - 404

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	12/22/2016	AMENDED INFORMATION	106 - 107
1	04/14/2017	CASE APPEAL STATEMENT	129 - 130
1	08/09/2018	CASE APPEAL STATEMENT	195 - 196
1	08/09/2018	CASE APPEAL STATEMENT	197 - 198
2	06/18/2019	CASE APPEAL STATEMENT	279 - 280
2	06/18/2019	CASE APPEAL STATEMENT	281 - 282
2	07/12/2019	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
2	06/06/2019	CHANGE OF ADDRESS	267 - 268
1	07/29/2015	CRIMINAL BINDOVER PACKET LAS VEGAS JUSTICE COURT	1 - 25
1	02/24/2017	CRIMINAL ORDER TO STATISTICALLY CLOSE CASE	126 - 126
1	12/14/2015	DEFENDANT RONNY POWE'S MOTION FOR DISCOVERY	70 - 80
1	12/11/2015	DEFENDANT RONNY POWE'S NOTICE AND REQUEST FOR JOINER	67 - 69
1	03/16/2016	DEFENDANT RONNY POWE'S NOTICE OF EXPERT WITNESS	85 - 95
2	07/12/2019	DISTRICT COURT MINUTES	383 - 404
2	07/12/2019	DOCUMENTARY EXHIBITS (UNFILED) SEALED	283 - 382
1	12/22/2016	GUILTY PLEA AGREEMENT	108 - 115
1	07/30/2015	INFORMATION	26 - 34
1	02/17/2017	JUDGMENT OF CONVICTION (PLEA OF GUILTY)	124 - 125
1	11/03/2015	MEDIA REQUEST AND ORDER ALLOWING CAMERA ACCESS TO COURT PROCEEDINGS	65 - 66
1	06/21/2018	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF REQUEST FOR TRANSCRIPTS AT STATE EXPENSE	178 - 184

I N D E X

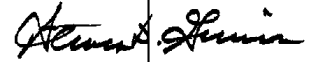
<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	04/01/2019	MOTION FOR CORRECTION OF ILLEGAL SENTENCE (CONTINUED)	227 - 240
2	04/01/2019	MOTION FOR CORRECTION OF ILLEGAL SENTENCE (CONTINUATION)	241 - 256
1	06/21/2018	MOTION FOR LEAVE TO FILE A LATE MOTION FOR RECONSIDERATION	173 - 174
1	03/14/2018	MOTION FOR PRODUCTION OF DOCUMENTS, PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFENDANT	159 - 163
1	11/17/2016	MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL	96 - 99
1	12/06/2017	MOTION TO WITHDRAW COUNSEL	138 - 143
1	06/20/2017	NEVADA SUPREME COURT CLERK'S CERTIFICATE/REMITTITUR JUDGMENT - DISMISSED	131 - 135
1	10/16/2018	NEVADA SUPREME COURT CLERK'S CERTIFICATE/REMITTITUR JUDGMENT - DISMISSED	201 - 205
1	10/16/2018	NEVADA SUPREME COURT CLERK'S CERTIFICATE/REMITTITUR JUDGMENT - DISMISSED	206 - 210
1	04/13/2017	NOTICE OF APPEAL	127 - 128
1	08/07/2018	NOTICE OF APPEAL	187 - 190
1	08/07/2018	NOTICE OF APPEAL	191 - 194
2	06/17/2019	NOTICE OF APPEAL	271 - 274
2	06/17/2019	NOTICE OF APPEAL	275 - 278
1	09/02/2015	NOTICE OF EXPERT WITNESSES [NRS 174.234(2)]	41 - 51
1	12/20/2016	NOTICE OF INTENT TO INTRODUCE RECORDS MADE IN THE COURSE OF A REGULARLY CONDUCTED ACTIVITY [NRS 52.260]	104 - 105

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	12/06/2017	NOTICE OF MOTION	137 - 137
1	03/14/2018	NOTICE OF MOTION	158 - 158
1	06/21/2018	NOTICE OF MOTION	177 - 177
1	04/01/2019	NOTICE OF MOTION	226 - 226
1	06/21/2018	NOTICE OF MOTION AND MOTION FOR TRANSCRIPTS AT STATE EXPENSE	175 - 176
1	03/14/2016	NOTICE OF MOTION AND MOTION TO CONTINUE	81 - 84
1	02/21/2018	NOTICE OF MOTION; MOTION FOR MODIFICATION OF SENTENCE	144 - 156
1	09/02/2015	NOTICE OF WITNESSES [NRS 174.234(1)(A)]	52 - 53
1	08/22/2018	ORDER DENYING DEFENDANT'S MOTION FOR TRANSCRIPTS AT STATE EXPENSE, MOTION FOR RECONSIDERATION, AND MOTION FOR LEAVE TO FILE A LATE MOTION FOR RECONSIDERATION	199 - 200
1	07/02/2018	ORDER DENYING DEFENDANT'S MOTION TO MODIFY SENTENCE	185 - 186
2	06/14/2019	ORDER DENYING DEFENDANT'S PRO PER MOTION FOR CORRECTION OF ILLEGAL SENTENCE	269 - 270
1	06/21/2018	PLAINTIFF'S MOTION FOR RECONSIDERATION	170 - 172
1	01/19/2017	PRE-SENTENCE INVESTIGATION REPORT (UNFILED) CONFIDENTIAL	116 - 123
1	12/20/2016	SECOND SUPPLEMENTAL NOTICE OF WITNESSES [NRS 174.234(1)(A)]	102 - 103
2	05/02/2019	STATE'S OPPOSITION TO DEFENDANT'S MOTION TO CORRECT ILLEGAL SENTENCE	257 - 266
1	05/15/2018	STATE'S RESPONSE TO DEFENDANT'S MOTION TO MODIFY SENTENCE	164 - 168

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	09/22/2015	SUPPLEMENTAL NOTICE OF EXPERT WITNESSES [NRS 174.234(2)]	54 - 64
1	12/20/2016	SUPPLEMENTAL NOTICE OF WITNESSES [NRS 174.234(1)(A)]	100 - 101
1	12/03/2018	TRANSCRIPT OF HEARING HELD ON DECEMBER 22, 2016	215 - 225
1	11/14/2018	TRANSCRIPT OF HEARING HELD ON FEBRUARY 14, 2017	211 - 214
1	08/10/2015	TRANSCRIPT OF HEARING HELD ON JULY 29, 2015	35 - 40
1	12/05/2017	UNSIGNED DOCUMENT(S) - ORDER	136 - 136
1	03/07/2018	UNSIGNED DOCUMENT(S) - ORDER	157 - 157
1	06/20/2018	UNSIGNED DOCUMENT(S) - ORDER TO TRANSCRIBE RECORDS	169 - 169


CLERK OF THE COURT

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

RONNY POWE,

Defendant

District Court Case No.: C-15-308371-1
Dept.: XII

Justice Court Case No.: 15F08992A

CERTIFICATE

I hereby certify the foregoing to be a full, true and correct copy of the proceedings as
the same appear in the above case.

Dated this 29th day of July, 2015



Justice of the Peace, Las Vegas Township

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

4 STATE OF NEVADA,

5 Plaintiff,

6 vs.

7 **RONNY POWE**

8 Defendant
9

District Court Case No.:

Justice Court Case No.: 15F08992A

10 **BINDOVER and ORDER TO APPEAR**

11 An Order having been made this day by me that **RONNY POWE** be held to answer
12 before the Eighth Judicial District Court, upon the charge(s) of **Dom battery by**
13 **strangulation [54740]; Kidnapping, 1st degree, r/SBH, e/dw [50056]; Domestic**
14 **battery e/dw, r/sbh**

15 **; Domestic battery e/dw, r/sbh; Domestic battery e/dw, r/sbh; Dom battery by**
16 **strangulation [54740]** committed in said Township and County, on July 09, 2015 .

17 **IT IS FURTHER ORDERED** that said defendant is commanded to appear in the
18 Eighth Judicial District Court, Regional Justice Center, Lower Level Arraignment
19 Courtroom "A", Las Vegas, Nevada on July 31, 2015 at 10:00 AM for arraignment and
20 further proceedings on the within charge(s).

21 **IT IS FURTHER ORDERED** that the Sheriff of the County of Clark is hereby
22 commanded to receive the above named defendant(s) into custody, and detain said
23 defendant(s) until he/she can be legally discharged, and be committed to the custody of the
24 Sheriff of said County, until bail is given in the sum of \$95,000.

25 Dated this 29th day of July, 2015

26 

27 Justice of the Peace, Las Vegas Township
28

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

15F08992A
ACRM
Amended Criminal Complaint
5347973



ORIGINAL

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED IN OPEN
COURT ON

7-29-15

[Signature]
Court Clerk

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONNY POWE, aka,
Ronny Darrow Powe #1415128,
THAIRONYA BREINNE POWE, aka,
Thaironya Breienne Powe, #8113600,

Defendant.

CASE NO: 15F08992A/B

DEPT NO: 10

THIRD AMENDED
CRIMINAL COMPLAINT

The Defendants above named having committed the crimes of FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50056); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS 200.481; 200.485; 33.018 - NOC 57936); BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS 200.481; 200.485; 33.018 - NOC 57935) and BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740), in the manner following, to-wit: That the said Defendants, on or about the 16th day of June, 2015, at and within the County of Clark, State of Nevada,

COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
RESULTING IN SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away RANETTE MARTIN, a human being, with the intent to hold or detain the said RANETTE MARTIN against her will, and without her consent, for the purpose of killing and/or inflicting substantial bodily harm, with use of a deadly weapon,

1 to-wit: a hammer and/or handgun and/or gasoline and fire, resulting in substantial bodily harm
2 to RANETTE MARTIN; the Defendants being criminally liable under one or more of the
3 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or
4 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
5 committed, by counseling, encouraging, commanding, inducing and/or otherwise procuring
6 the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with
7 the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the
8 following manner, to wit: by entering into a course of conduct whereby Defendant RONNY
9 POWE placed RANETTE MARTIN in a chokehold and dragged her into the garage and
10 Defendant THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping
11 by punching her and then confined her in the garage by closing the door, Defendant
12 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
13 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct
14 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
15 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
16 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or
17 lookout throughout, Defendants acting in concert throughout.

18 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

19 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
20 RANETTE MARTIN, a human being, with use of a deadly weapon, to-wit: a handgun and/or
21 a hammer and/or gasoline and fire, by hitting the said RANETTE MARTIN in the head with
22 a hammer and/or setting the said RANETTE MARTIN on fire and/or shooting at and into the
23 body of RANETTE MARTIN; the Defendants being criminally liable under one or more of
24 the following principles of criminal liability, to-wit: (1) by directly committing this crime;
25 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
26 be committed, by counseling, encouraging, commanding, inducing and/or otherwise procuring
27 the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with
28 the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the

1 following manner, to wit: by entering into a course of conduct whereby Defendant RONNY
2 POWE placed RANETTE MARTIN in a chokehold and dragged her into the garage and
3 Defendant THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping
4 by punching her and then confined her in the garage by closing the door, Defendant
5 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
6 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct
7 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
8 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
9 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or
10 lookout throughout, Defendants acting in concert throughout.

11 COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
12 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

13 Defendant RONNY POWE~~X~~ did willfully, unlawfully, and feloniously use force or
14 violence upon the person of his and/or her spouse, former spouse, or any other person to whom
15 he and/or she is related by blood or marriage, a person with whom he and/or she is or was
16 actually residing, a person with whom he and/or she has had or is having a dating relationship,
17 a person with whom he and/or she has a child in common, the minor child of any of those
18 persons or his and/or her minor child, to-wit: RANETTE MARTIN, with use of a deadly
19 weapon, to-wit: a handgun, by shooting into the body of the said RANETTE MARTIN with
20 said handgun, resulting in substantial bodily harm to RANETTE MARTIN.

21 COUNT 4 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
22 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

23 did willfully and unlawfully use force or violence against or upon the person of his
24 and/or her spouse, former spouse, any other person to whom he and/or she is related by blood
25 or marriage, a person with whom he and/or she is or was actually residing, a person with whom
26 he and/or she has had or is having a dating relationship, a person with whom he and/or she has
27 a child in common, the minor child of any of those persons or his and/or her minor child, to-
28 wit: RANETTE MARTIN, with use of a deadly weapon, to-wit: a hammer, by striking the

1 said RANETTE MARTIN with said hammer, resulting in substantial bodily harm to
2 RANETTE MARTIN; the Defendants being criminally liable under one or more of the
3 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or
4 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
5 committed, by counseling, encouraging, commanding, inducing and/or otherwise procuring
6 the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with
7 the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the
8 following manner, to wit: by entering into a course of conduct whereby Defendant RONNY
9 POWE placed RANETTE MARTIN in a chokehold and dragged her into the garage and
10 Defendant THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping
11 by punching her and then confined her in the garage by closing the door, Defendant
12 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
13 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct
14 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
15 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
16 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or
17 lookout throughout, Defendants acting in concert throughout.

18 COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
19 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

20 did willfully and unlawfully use force or violence against or upon the person of his
21 and/or her spouse, former spouse, any other person to whom he and/or she is related by blood
22 or marriage, a person with whom he and/or she is or was actually residing, a person with whom
23 he and/or she has had or is having a dating relationship, a person with whom he and/or she has
24 a child in common, the minor child of any of those persons or his and/or her minor child, to-
25 wit: RANETTE MARTIN, with use of a deadly weapon, to-wit: a handgun, by striking the
26 said RANETTE MARTIN with said handgun, resulting in substantial bodily harm to
27 RANETTE MARTIN; the Defendants being criminally liable under one or more of the
28 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or

1 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
2 committed, by counseling, encouraging, commanding, inducing and/or otherwise procuring
3 the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with
4 the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the
5 following manner, to wit: by entering into a course of conduct whereby Defendant RONNY
6 POWE placed RANETTE MARTIN in a chokehold and dragged her into the garage and
7 Defendant THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping
8 by punching her and then confined her in the garage by closing the door, Defendant
9 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
10 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct
11 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
12 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
13 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or
14 lookout throughout, Defendants acting in concert throughout.

15 COUNT 6 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

16 did wilfully, unlawfully, and feloniously use force or violence upon the person of his
17 and/or her spouse, former spouse, or any other person to whom he and/or she is related by
18 blood or marriage, a person with whom he and/or she is or was actually residing, a person with
19 whom he and/or she is having a dating relationship, a person with whom he and/or she has a
20 child in common, the minor child of any of those persons or the his and/or her minor child, to-
21 wit: RANETTE MARTIN, by strangulation; the Defendants being criminally liable under one
22 or more of the following principles of criminal liability, to-wit: (1) by directly committing this
23 crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that
24 this crime be committed, by counseling, encouraging, commanding, inducing and/or otherwise
25 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
26 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or
27 conspiring in the following manner, to wit: by entering into a course of conduct whereby
28 Defendant RONNY POWE placed RANETTE MARTIN in a chokehold and dragged her into

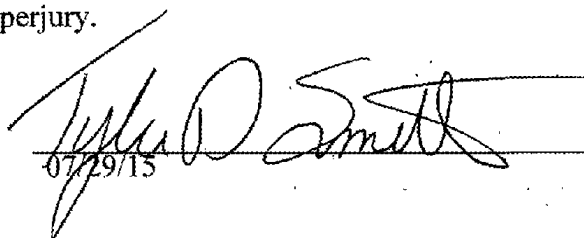
1 the garage and Defendant THAIRONYA BREINNE POWE prevented RANETTE MARTIN
2 from escaping by punching her and then confined her in the garage by closing the door,
3 Defendant THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and
4 body and then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY
5 POWE duct taped RANETTE MARTIN'S wrists and struck her on the head with a hammer
6 and/or struck her in the mouth with a handgun and/or set her on fire, thereafter Defendant
7 RONNY POWE shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as
8 confederate and/or lookout throughout, Defendants acting in concert throughout.

9 COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
10 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

11 did willfully and unlawfully use force or violence against or upon the person of his
12 and/or her spouse, former spouse, any other person to whom he and/or she is related by blood
13 or marriage, a person with whom he and/or she is or was actually residing, a person with whom
14 he and/or she has had or is having a dating relationship, a person with whom he and/or she has
15 a child in common, the minor child of any of those persons or his and/or her minor child, to-
16 wit: RANETTE MARTIN, with use of a deadly weapon, to-wit: gasoline and/or fire, by
17 pouring gasoline on the said RANETTE MARTIN and setting her on fire; the Defendants
18 being criminally liable under one or more of the following principles of criminal liability, to-
19 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
20 of this crime, with the intent that this crime be committed, by counseling, encouraging,
21 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
22 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
23 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering
24 into a course of conduct whereby Defendant RONNY POWE placed RANETTE MARTIN in
25 a chokehold and dragged her into the garage and Defendant THAIRONYA BREINNE POWE
26 prevented RANETTE MARTIN from escaping by punching her and then confined her in the
27 garage by closing the door, Defendant THAIRONYA BREINNE POWE struck RANETTE
28 MARTIN about the head and body and then duct taped RANETTE MARTIN'S ankles,

1 thereafter Defendant RONNY POWE duct taped RANETTE MARTIN'S wrists and struck her
2 on the head with a hammer and/or struck her in the mouth with a handgun and/or set her on
3 fire, thereafter Defendant RONNY POWE shot her in the knee, Defendant THAIRONYA
4 BREINNE POWE acting as confederate and/or lookout throughout, Defendants acting in
5 concert throughout.

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

9
10 
11 07/29/15

12
13 15F08992A/B/td/dvu
14 LVMPD EV# 1506172303
15 (TK3)
16
17
18
19
20
21
22
23
24
25
26
27
28

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

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses:

CUSTODIAN OF RECORDS

DATED July 29, 2015.

ORIGINAL

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED IN OPEN
COURT ON

7.10.15

W. Wynn

Court Clerk

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONNY POWE, aka,
Ronny Darrow Powe #1415128,
THAIRONYA BREINNE POWE, aka,
Thaironya Breienne Powe, #8113600,

Defendant.

CASE NO: 15F08992A/B

DEPT NO: 10

SECOND AMENDED

CRIMINAL COMPLAINT

The Defendants above named having committed the crimes of FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS 200.481; 200.485; 33.018 - NOC 57936); BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS 200.481; 200.485; 33.018 - NOC 57935) and BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740), in the manner following, to-wit: That the said Defendants, on or about the 16th day of June, 2015, at and within the County of Clark, State of Nevada,

COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away RANETTE MARTIN, a human being, with the intent to hold or detain the said RANETTE MARTIN against her will, and without her consent, for the purpose of killing and/or inflicting substantial bodily harm, with use of a deadly weapon, to-wit: a hammer and/or handgun and/or gasoline and fire; the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly

15F08992A
CRM
Criminal Complaint
5272887



W:\2015F08992\15F08992-ACOM-(POWE__RONNY)-002.DOCX

1 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
2 the intent that this crime be committed, by counseling, encouraging, commanding, inducing
3 and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy
4 to commit this crime, with the intent that this crime be committed, Defendants aiding or
5 abetting and/or conspiring in the following manner, to wit: by entering into a course of conduct
6 whereby Defendant RONNY POWE dragged RANETTE MARTIN into the garage and
7 Defendant THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping
8 by punching her and then confined her in the garage by closing the door, Defendant
9 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
10 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct
11 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
12 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
13 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or
14 lookout throughout, Defendants acting in concert throughout.

15 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

16 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
17 RANETTE MARTIN, a human being, with use of a deadly weapon, to-wit: a handgun and/or
18 a hammer and/or gasoline and fire, by hitting the said RANETTE MARTIN in the head with
19 a hammer and/or setting the said RANETTE MARTIN on fire and/or shooting at and into the
20 body of RANETTE MARTIN; the Defendants being criminally liable under one or more of
21 the following principles of criminal liability, to-wit: (1) by directly committing this crime;
22 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
23 be committed, by counseling, encouraging, commanding, inducing and/or otherwise procuring
24 the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with
25 the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the
26 following manner, to wit: by entering into a course of conduct whereby Defendant RONNY
27 POWE dragged RANETTE MARTIN into the garage and Defendant THAIRONYA
28 BREINNE POWE prevented RANETTE MARTIN from escaping by punching her and then

1 confined her in the garage by closing the door, Defendant THAIRONYA BREINNE POWE
2 struck RANETTE MARTIN about the head and body and then duct taped RANETTE
3 MARTIN'S ankles, thereafter Defendant RONNY POWE duct taped RANETTE MARTIN'S
4 wrists and struck her on the head with a hammer and/or struck her in the mouth with a handgun
5 and/or set her on fire, thereafter Defendant RONNY POWE shot her in the knee, Defendant
6 THAIRONYA BREINNE POWE acting as confederate and/or lookout throughout,
7 Defendants acting in concert throughout.

8 COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
9 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

10 did willfully, unlawfully, and feloniously use force or violence upon the person of his
11 and/or her spouse, former spouse, or any other person to whom he and/or she is related by
12 blood or marriage, a person with whom he and/or she is or was actually residing, a person with
13 whom he and/or she has had or is having a dating relationship, a person with whom he and/or
14 she has a child in common, the minor child of any of those persons or his and/or her minor
15 child, to-wit: RANETTE MARTIN, with use of a deadly weapon, to-wit: a handgun, by
16 shooting into the body of the said RANETTE MARTIN with said handgun, resulting in
17 substantial bodily harm to RANETTE MARTIN; the Defendants being criminally liable under
18 one or more of the following principles of criminal liability, to-wit: (1) by directly committing
19 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that
20 this crime be committed, by counseling, encouraging, commanding, inducing and/or otherwise
21 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
22 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or
23 conspiring in the following manner, to wit: by entering into a course of conduct whereby
24 Defendant RONNY POWE dragged RANETTE MARTIN into the garage and Defendant
25 THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping by
26 punching her and then confined her in the garage by closing the door, Defendant
27 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
28 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct

1 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
2 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
3 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or
4 lookout throughout, Defendants acting in concert throughout.

5 COUNT 4 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
6 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

7 did willfully and unlawfully use force or violence against or upon the person of his
8 and/or her spouse, former spouse, any other person to whom he and/or she is related by blood
9 or marriage, a person with whom he and/or she is or was actually residing, a person with whom
10 he and/or she has had or is having a dating relationship, a person with whom he and/or she has
11 a child in common, the minor child of any of those persons or his and/or her minor child, to-
12 wit: RANETTE MARTIN, with use of a deadly weapon, to-wit: a hammer, by striking the
13 said RANETTE MARTIN with said hammer, resulting in substantial bodily harm to
14 RANETTE MARTIN; the Defendants being criminally liable under one or more of the
15 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or
16 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
17 committed, by counseling, encouraging, commanding, inducing and/or otherwise procuring
18 the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with
19 the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the
20 following manner, to wit: by entering into a course of conduct whereby Defendant RONNY
21 POWE dragged RANETTE MARTIN into the garage and Defendant THAIRONYA
22 BREINNE POWE prevented RANETTE MARTIN from escaping by punching her and then
23 confined her in the garage by closing the door, Defendant THAIRONYA BREINNE POWE
24 struck RANETTE MARTIN about the head and body and then duct taped RANETTE
25 MARTIN'S ankles, thereafter Defendant RONNY POWE duct taped RANETTE MARTIN'S
26 wrists and struck her on the head with a hammer and/or struck her in the mouth with a handgun
27 and/or set her on fire, thereafter Defendant RONNY POWE shot her in the knee, Defendant
28 THAIRONYA BREINNE POWE acting as confederate and/or lookout throughout,

1 Defendants acting in concert throughout.

2 COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
3 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

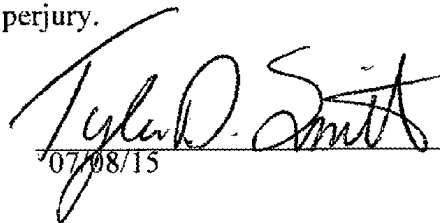
4 did willfully and unlawfully use force or violence against or upon the person of his
5 and/or her spouse, former spouse, any other person to whom he and/or she is related by blood
6 or marriage, a person with whom he and/or she is or was actually residing, a person with whom
7 he and/or she has had or is having a dating relationship, a person with whom he and/or she has
8 a child in common, the minor child of any of those persons or his and/or her minor child, to-
9 wit: RANETTE MARTIN, with use of a deadly weapon, to-wit: a handgun, by striking the
10 said RANETTE MARTIN with said handgun, resulting in substantial bodily harm to
11 RANETTE MARTIN; the Defendants being criminally liable under one or more of the
12 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or
13 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
14 committed, by counseling, encouraging, commanding, inducing and/or otherwise procuring
15 the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with
16 the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the
17 following manner, to wit: by entering into a course of conduct whereby Defendant RONNY
18 POWE dragged RANETTE MARTIN into the garage and Defendant THAIRONYA BREINNE POWE
19 prevented RANETTE MARTIN from escaping by punching her and then
20 confined her in the garage by closing the door, Defendant THAIRONYA BREINNE POWE
21 struck RANETTE MARTIN about the head and body and then duct taped RANETTE
22 MARTIN'S ankles, thereafter Defendant RONNY POWE duct taped RANETTE MARTIN'S
23 wrists and struck her on the head with a hammer and/or struck her in the mouth with a handgun
24 and/or set her on fire, thereafter Defendant RONNY POWE shot her in the knee, Defendant
25 THAIRONYA BREINNE POWE acting as confederate and/or lookout throughout,
26 Defendants acting in concert throughout.

27 COUNT 6 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

28 did wilfully, unlawfully, and feloniously use force or violence upon the person of his

1 and/or her spouse, former spouse, or any other person to whom he and/or she is related by
2 blood or marriage, a person with whom he and/or she is or was actually residing, a person with
3 whom he and/or she is having a dating relationship, a person with whom he and/or she has a
4 child in common, the minor child of any of those persons or the his and/or her minor child, to-
5 wit: RANETTE MARTIN, by strangulation; the Defendants being criminally liable under one
6 or more of the following principles of criminal liability, to-wit: (1) by directly committing this
7 crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that
8 this crime be committed, by counseling, encouraging, commanding, inducing and/or otherwise
9 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
10 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or
11 conspiring in the following manner, to wit: by entering into a course of conduct whereby
12 Defendant RONNY POWE dragged RANETTE MARTIN into the garage and Defendant
13 THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping by
14 punching her and then confined her in the garage by closing the door, Defendant
15 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
16 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct
17 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
18 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
19 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or
20 lookout throughout, Defendants acting in concert throughout.

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

24
25 
26 07/08/15

27 15F08992A/B/td/dvu
28 LVMPD EV# 1506172303
(TK3)

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

3

4
5

6

7

8

9

0.1

2

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

Court Minutes



15F08992A State of Nevada vs. POWE, RONNY

Lead Atty: Craig W. Drummond, ESQ

7/10/2015 8:30:00 AM Initial Appearance (In-Custody)

Result: Matter Heard

**PARTIES
PRESENT:**

Judge: Tobiasson, Melanie A.
Prosecutor: Smith, Tyler
Court Reporter: McCord, Donna
Court Clerk: Wenz, William

PROCEEDINGS

Attorneys:	Drummond, Craig W., POWE, RONNY ESQ	Added
<hr/>		
Hearings:	7/22/2015 10:00:00 AM: Preliminary Hearing	Added
<hr/>		
Events:	Criminal Complaint <i>filed in open court.</i> Custody Comment <i>State refiled case 15F08992X as THIS case 15F08992A.</i> Remand - Cash or Surety <i>Counts: 001; 002; 003; 004; 005; 006 - \$95000.00/\$95000.00 Total Bail</i> Bail Condition - Defendant to be released on House Arrest <i>upon posting bail/bond</i> Initial Appearance Completed <i>Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint</i> Counsel Appointed <i>C. Drummond, Esq.</i> <i>C. Drummond, Esq. advised court that he had already been in contact with Drew Christensen and was advised it was okay to have him appointed as attorney of record.</i>	

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

Court Minutes



15F08992A State of Nevada vs. POWE, RONNY

Lead Atty: Craig W. Drummond, ESQ

7/22/2015 10:00:00 AM Preliminary Hearing (In-Custody)

Result: Matter Continued

PARTIES	Attorney	Drummond, Craig W., ESQ
PRESENT:	Defendant	POWE, RONNY
Judge:	Tobiasson, Melanie A.	
Prosecutor:	Baharav, Colleen	
Court Reporter:	McCord, Donna	
Court Clerk:	Wenz, William	

PROCEEDINGS

Hearings:	7/29/2015 10:00:00 AM: Preliminary Hearing	Added
------------------	--	-------

Events: Motion to Continue - Defense

Motion Granted

Bail Stands

Counts: 001; 002; 003; 004; 005; 006 -

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

Court Minutes



15F08992A State of Nevada vs. POWE, RONNY

Lead Atty: Craig W. Drummond, ESQ

7/29/2015 10:00:00 AM Preliminary Hearing (In-Custody)

Result: Matter Heard

PARTIES Attorney Drummond, Craig W., ESQ
PRESENT: Defendant POWE, RONNY
Judge: Tobiasson, Melanie A.
Prosecutor: Gaston, Tyler
Court Reporter: McCord, Donna
Court Clerk: Fisher, Shauna

PROCEEDINGS

Events: Bail Stands

Counts: 001; 002; 003; 004; 005; 006 -

Unconditional Bind Over to District Court

Review Date: 7/30/2015

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

District Court Appearance Date Set

Jul 31 2015 10:00AM: In Custody

Case Closed - Bound Over

Amended Criminal Complaint

Third

Charges: Amended: 004: Domestic battery e/dw, r/sbh

Amended Complaint Filed

Amended: 005: Domestic battery e/dw, r/sbh

Amended Complaint Filed

Amended: 006: Domestic battery by strangulation

Amended Complaint Filed

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

Custody Status Slip



Housed At: ST-2L-46-S

Clerk: wenzw

Date: 7/10/2015: Initial Appearance

Department: 10

Judge: Tobiasson, Melanie A.

Name: POWE, RONNY

Case: 15F08992A

Defendant ID: 1415128

001: Dom battery by strangulation [54740] (F) (0029599020-001)

Remand - Cash or Surety: Counts: 001; 002; 003; 004; 005; 006 - \$95000.00/\$95000.00 Total Bail

002: Kidnapping, 1st degree, r/SBH, e/dw [50056] (F) (0029599020-002)

Remand - Cash or Surety: Counts: 001; 002; 003; 004; 005; 006 - \$95000.00/\$95000.00 Total Bail

**003: Domestic battery e/dw, r/sbh
[57936] (F) (0029599020-003)**

Remand - Cash or Surety: Counts: 001; 002; 003; 004; 005; 006 - \$95000.00/\$95000.00 Total Bail

004: Domestic battery e/dw [57935] (F) (0029599020-004)

Remand - Cash or Surety: Counts: 001; 002; 003; 004; 005; 006 - \$95000.00/\$95000.00 Total Bail

005: Domestic battery e/dw [57935] (F) (0029599020-005)

Remand - Cash or Surety: Counts: 001; 002; 003; 004; 005; 006 - \$95000.00/\$95000.00 Total Bail

006: Att murder, e/dw [50031] (F) (0029599020-006)

Remand - Cash or Surety: Counts: 001; 002; 003; 004; 005; 006 - \$95000.00/\$95000.00 Total Bail

Other Case Conditions

Custody Comment

STATE REFILED CASE 15F08992X AS THIS CASE 15F08992A.

Bail Condition - Defendant to be released on House Arrest

UPON POSTING BAIL/BOND

Future Justice Court Hearings

7/22/2015 10:00:00 AM: Preliminary Hearing (JC Department 10)

Added

CONFIDENTIAL

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

PRETRIAL SERVICES INFORMATION SHEET

CASE #
15F08992A

DEPT #
JC-10

REQUESTED BY:

NAME:
Ronny Powe

ID #
1415128

CHARGES:

DOM BATTERY BY STRANGULATION; KIDNAPPING, 1ST DEGREE; 2CTS-DOMESTIC
BATTERY WITH USE OF A DEADLY WEAPON; DOMESTIC BATTERY E/DW R/SBH; ATT
MURDER, E/DW

CURRENT BAIL:
95,000

VERIFIED: ADDRESS: NOT INTERVIEWED,,,
WITH WHOM/HOW LONG: /

VERIFIED: EMPLOYMENT STATUS: /
LENGTH:

VERIFIED: RELATIVES - LOCAL :

NOT LOCAL:

FELONY/GROSS MISDEMEANOR CONVICTIONS: 90 CA TVWOOC;
90 CA RECV STLN PROP; 90 CA MFG WPN; 90 CA POSS FA; 85 NV PCS; 83 CA ROBB; 80 CA CCW;
80 CA LOADED FA
MISDEMEANOR CONVICTIONS: 3 11 DUI; 13 BDV

FAIL TO APPEAR: 0

COMMENTS: DEFT HAS HEND DETAINER.

RECOMMENDATION:

DATE: 7/15/2015

PRETRIAL SERVICES: Maritza Aguilar

15F08992A
IVS
Pretrial Information Sheet
5292868



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

Custody Status Slip



Housed At: ST-2L-46-S

Clerk: wenzw

Date: 7/22/2015: Preliminary Hearing

Department: 10

Judge: Tobiasson, Melanie A.

Name: POWE, RONNY

Case: 15F08992A

Defendant ID: 1415128

001: Dom battery by strangulation [54740] (F) (0029599020-001)

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

002: Kidnapping, 1st degree, r/SBH, e/dw [50056] (F) (0029599020-002)

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

**003: Domestic battery e/dw, r/sbh
[57936] (F) (0029599020-003)**

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

004: Domestic battery e/dw [57935] (F) (0029599020-004)

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

005: Domestic battery e/dw [57935] (F) (0029599020-005)

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

006: Att murder, e/dw [50031] (F) (0029599020-006)

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

Future Justice Court Hearings

7/29/2015 10:00:00 AM: Preliminary Hearing (JC Department 10)

Added

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

Custody Status Slip



Housed At: ST-2L-46-S

Clerk: stons

Date: 7/29/2015: Preliminary Hearing

Department: 10

Judge: Tobiasson, Melanie A.

Name: POWE, RONNY

Case: 15F08992A

Defendant ID: 1415128

001: Dom battery by strangulation [54740] (F) (0029599020-001)

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

002: Kidnapping, 1st degree, r/sbh, e/dw [50056] (F) (0029599020-002)

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

003: Domestic battery e/dw, r/sbh
[57936] (F) (0029599020-003)

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

004: Domestic battery e/dw, r/sbh
[57936] (F) (0029599020-004)

Amended From: Domestic battery e/dw [57935]

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

005: Domestic battery e/dw, r/sbh
[57936] (F) (0029599020-005)

Amended From: Domestic battery e/dw [57935]

Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

006: Dom battery by strangulation [54740] (F) (0029599020-006)

Amended From: Att murder, e/dw [50031]

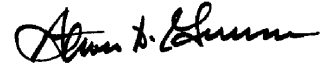
Bail Stands: Counts: 001; 002; 003; 004; 005; 006 -

Other Case Conditions

District Court Appearance Date Set

JUL 31 2015 10:00AM: IN CUSTODY

1 **INFM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TYLER D. SMITH
6 Deputy District Attorney
7 Nevada Bar #011870
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff



CLERK OF THE COURT

7 I.A. 07/31/15
10:00 AM
8 C. DRUMMOND

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

CASE NO: C-15-308371-1

11 -vs-

DEPT NO: XII

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

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 RONNY POWE, aka, Ronny Darrow Powe, the Defendant(s) above named,
20 having committed the crimes of **FIRST DEGREE KIDNAPPING WITH USE OF A**
21 **DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category A**
22 **Felony - NRS 200.310, 200.320, 193.165 - NOC 50056); ATTEMPT MURDER WITH**
23 **USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330,**
24 **193.165 - NOC 50031); BATTERY WITH USE OF A DEADLY WEAPON RESULTING**
25 **IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE**
26 **(Category B Felony - NRS 200.481; 200.485; 33.018 - NOC 57936); BATTERY WITH**
27 **USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE (Category**
28 **B Felony - NRS 200.481; 200.485; 33.018 - NOC 57935) and BATTERY**

1 **CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony**
2 **- NRS 200.481; 200.485; 33.018 - NOC 54740),** on or about the 16th day of June, 2015, within
3 the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such
4 cases made and provided, and against the peace and dignity of the State of Nevada,

5 **COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON**
6 **RESULTING IN SUBSTANTIAL BODILY HARM**

7 Defendant RONNY POWE, aka, Ronny Darrow Powe did together with
8 THAIRONYA BREINNE POWE, aka, Thaironya Breienne Powe willfully, unlawfully, and
9 feloniously, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away
10 RANETTE MARTIN, a human being, with the intent to hold or detain the said RANETTE
11 MARTIN against her will, and without her consent, for the purpose of killing and/or inflicting
12 substantial bodily harm, with use of a deadly weapon, to-wit: a hammer and/or handgun and/or
13 gasoline and fire, resulting in substantial bodily harm to RANETTE MARTIN; the Defendants
14 being criminally liable under one or more of the following principles of criminal liability, to-
15 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
16 of this crime, with the intent that this crime be committed, by counseling, encouraging,
17 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
18 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
19 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering
20 into a course of conduct whereby Defendant RONNY POWE placed RANETTE MARTIN in
21 a chokehold and dragged her into the garage and Defendant THAIRONYA BREINNE POWE
22 prevented RANETTE MARTIN from escaping by punching her and then confined her in the
23 garage by closing the door, Defendant THAIRONYA BREINNE POWE struck RANETTE
24 MARTIN about the head and body and then duct taped RANETTE MARTIN'S ankles,
25 thereafter Defendant RONNY POWE duct taped RANETTE MARTIN'S wrists and struck her
26 on the head with a hammer and/or struck her in the mouth with a handgun and/or set her on
27 fire, thereafter Defendant RONNY POWE shot her in the knee, Defendant THAIRONYA
28 BREINNE POWE acting as confederate and/or lookout throughout, Defendants acting in

1 concert throughout.

2 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

3 Defendant RONNY POWE, aka, Ronny Darrow Powe did together with
4 THAIRONYA BREINNE POWE, aka, Thaironya Breienne Powe willfully, unlawfully,
5 feloniously and with malice aforethought attempt to kill RANETTE MARTIN, a human being,
6 with use of a deadly weapon, to-wit: a handgun and/or a hammer and/or gasoline and fire, by
7 hitting the said RANETTE MARTIN in the head with a hammer and/or setting the said
8 RANETTE MARTIN on fire and/or shooting at and into the body of RANETTE MARTIN;
9 the Defendants being criminally liable under one or more of the following principles of
10 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting
11 in the commission of this crime, with the intent that this crime be committed, by counseling,
12 encouraging, commanding, inducing and/or otherwise procuring the other to commit the
13 crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime
14 be committed, Defendants aiding or abetting and/or conspiring in the following manner, to
15 wit: by entering into a course of conduct whereby Defendant RONNY POWE placed
16 RANETTE MARTIN in a chokehold and dragged her into the garage and Defendant
17 THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping by
18 punching her and then confined her in the garage by closing the door, Defendant
19 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
20 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct
21 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
22 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
23 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or
24 lookout throughout, Defendants acting in concert throughout.

25 COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
26 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

27 Defendant RONNY POWE, aka, Ronny Darrow Powe did willfully, unlawfully, and
28 feloniously use force or violence upon the person of his and/or her spouse, former spouse, or

1 any other person to whom he and/or she is related by blood or marriage, a person with whom
2 he and/or she is or was actually residing, a person with whom he and/or she has had or is
3 having a dating relationship, a person with whom he and/or she has a child in common, the
4 minor child of any of those persons or his and/or her minor child, to-wit: RANETTE MARTIN,
5 with use of a deadly weapon, to-wit: a handgun, by shooting into the body of the said
6 RANETTE MARTIN with said handgun, resulting in substantial bodily harm to RANETTE
7 MARTIN.

8 COUNT 4 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
9 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

10 Defendant RONNY POWE, aka, Ronny Darrow Powe did together with
11 THAIRONYA BREINNE POWE, aka, Thaironya Breienne Powe willfully and unlawfully
12 use force or violence against or upon the person of his and/or her spouse, former spouse, any
13 other person to whom he and/or she is related by blood or marriage, a person with whom he
14 and/or she is or was actually residing, a person with whom he and/or she has had or is having
15 a dating relationship, a person with whom he and/or she has a child in common, the minor
16 child of any of those persons or his and/or her minor child, to-wit: RANETTE MARTIN, with
17 use of a deadly weapon, to-wit: a hammer, by striking the said RANETTE MARTIN with said
18 hammer, resulting in substantial bodily harm to RANETTE MARTIN; the Defendants being
19 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)
20 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
21 crime, with the intent that this crime be committed, by counseling, encouraging, commanding,
22 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
23 conspiracy to commit this crime, with the intent that this crime be committed, Defendants
24 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course
25 of conduct whereby Defendant RONNY POWE placed RANETTE MARTIN in a chokehold
26 and dragged her into the garage and Defendant THAIRONYA BREINNE POWE prevented
27 RANETTE MARTIN from escaping by punching her and then confined her in the garage by
28 closing the door, Defendant THAIRONYA BREINNE POWE struck RANETTE MARTIN

1 about the head and body and then duct taped RANETTE MARTIN'S ankles, thereafter
2 Defendant RONNY POWE duct taped RANETTE MARTIN'S wrists and struck her on the
3 head with a hammer and/or struck her in the mouth with a handgun and/or set her on fire,
4 thereafter Defendant RONNY POWE shot her in the knee, Defendant THAIRONYA
5 BREINNE POWE acting as confederate and/or lookout throughout, Defendants acting in
6 concert throughout.

7 COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
8 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

9 Defendant RONNY POWE, aka, Ronny Darrow Powe did together with
10 THAIRONYA BREINNE POWE, aka, Thaironya Breienne Powe willfully and unlawfully
11 use force or violence against or upon the person of his and/or her spouse, former spouse, any
12 other person to whom he and/or she is related by blood or marriage, a person with whom he
13 and/or she is or was actually residing, a person with whom he and/or she has had or is having
14 a dating relationship, a person with whom he and/or she has a child in common, the minor
15 child of any of those persons or his and/or her minor child, to-wit: RANETTE MARTIN, with
16 use of a deadly weapon, to-wit: a handgun, by striking the said RANETTE MARTIN with said
17 handgun, resulting in substantial bodily harm to RANETTE MARTIN; the Defendants being
18 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)
19 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
20 crime, with the intent that this crime be committed, by counseling, encouraging, commanding,
21 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
22 conspiracy to commit this crime, with the intent that this crime be committed, Defendants
23 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course
24 of conduct whereby Defendant RONNY POWE placed RANETTE MARTIN in a chokehold
25 and dragged her into the garage and Defendant THAIRONYA BREINNE POWE prevented
26 RANETTE MARTIN from escaping by punching her and then confined her in the garage by
27 closing the door, Defendant THAIRONYA BREINNE POWE struck RANETTE MARTIN
28 about the head and body and then duct taped RANETTE MARTIN'S ankles, thereafter

1 Defendant RONNY POWE duct taped RANETTE MARTIN'S wrists and struck her on the
2 head with a hammer and/or struck her in the mouth with a handgun and/or set her on fire,
3 thereafter Defendant RONNY POWE shot her in the knee, Defendant THAIRONYA
4 BREINNE POWE acting as confederate and/or lookout throughout, Defendants acting in
5 concert throughout.

6 COUNT 6 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

7 Defendant RONNY POWE, aka, Ronny Darrow Powe did together with
8 THAIRONYA BREINNE POWE, aka, Thaironya Breienne Powe wilfully, unlawfully, and
9 feloniously use force or violence upon the person of his and/or her spouse, former spouse, or
10 any other person to whom he and/or she is related by blood or marriage, a person with whom
11 he and/or she is or was actually residing, a person with whom he and/or she is having a dating
12 relationship, a person with whom he and/or she has a child in common, the minor child of any
13 of those persons or the his and/or her minor child, to-wit: RANETTE MARTIN, by
14 strangulation; the Defendants being criminally liable under one or more of the following
15 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by
16 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
17 by counseling, encouraging, commanding, inducing and/or otherwise procuring the other to
18 commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent
19 that this crime be committed, Defendants aiding or abetting and/or conspiring in the following
20 manner, to wit: by entering into a course of conduct whereby Defendant RONNY POWE
21 placed RANETTE MARTIN in a chokehold and dragged her into the garage and Defendant
22 THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping by
23 punching her and then confined her in the garage by closing the door, Defendant
24 THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and
25 then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct
26 taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck
27 her in the mouth with a handgun and/or set her on fire, thereafter Defendant RONNY POWE
28 shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as confederate and/or

lookout throughout, Defendants acting in concert throughout.

COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

Defendant RONNY POWE, aka, Ronny Darrow Powe did together with THAIRONYA BREINNE POWE, aka, Thaironya Breienne Powe willfully and unlawfully use force or violence against or upon the person of his and/or her spouse, former spouse, any other person to whom he and/or she is related by blood or marriage, a person with whom he and/or she is or was actually residing, a person with whom he and/or she has had or is having a dating relationship, a person with whom he and/or she has a child in common, the minor child of any of those persons or his and/or her minor child, to-wit: RANETTE MARTIN, with use of a deadly weapon, to-wit: gasoline and/or fire, by pouring gasoline on the said RANETTE MARTIN and setting her on fire; the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course of conduct whereby Defendant RONNY POWE placed RANETTE MARTIN in a chokehold and dragged her into the garage and Defendant THAIRONYA BREINNE POWE prevented RANETTE MARTIN from escaping by punching her and then confined her in the garage by closing the door, Defendant THAIRONYA BREINNE POWE struck RANETTE MARTIN about the head and body and then duct taped RANETTE MARTIN'S ankles, thereafter Defendant RONNY POWE duct taped RANETTE MARTIN'S wrists and struck her on the head with a hammer and/or struck her in the mouth with a handgun and/or set her on fire, thereafter Defendant

///

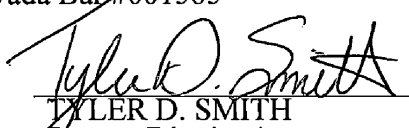
///

///

1 RONNY POWE shot her in the knee, Defendant THAIRONYA BREINNE POWE acting as
2 confederate and/or lookout throughout, Defendants acting in concert throughout.

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

6 BY


7 TYLER D. SMITH
8 Deputy District Attorney
9 Nevada Bar #011870

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

<u>NAME</u>	<u>ADDRESS</u>
12 ASHENFELTER, DEBORAH	District Attorney Investigator
13 CONOVER, GWENEVERE E.	LVMPD #8371
14 CUNNINGHAM, JASON HAYS	LVMPD #5466
15 CUSTODIAN OF RECORDS	CCDC
16 CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
17 CUSTODIAN OF RECORDS	LVMPD RECORDS
18 FLYNN, PATRICK M.	LVMPD #6463
19 HAMES, MELBA	1762 Starlight Canyon Ave., LVN 89183
20 HOGANS, DWAYNE	District Attorney Process Server
21 KELLER, DANIELLE NICHOL	LVMPD #12712
22 MARTIN, RANETTE	C/O DISTRICT ATTORNEY'S OFFICE
23 METZGER, MONICA LEE	LVMPD #4653
24 MORGAN, BARBARA KIEFER	LVMPD #4216
25 PATTERSON, DEBRA	District Attorney Process Server
26 POWE, THAIRONYA BREIENNE	1762 Starlight Canyon Ave., LVN 89183
27 RENHARD, LOUISE D.	LVMPD #5223
28 SCLIMENTI, MICHAEL P.	LVMPD #6239

1	TLOCKOWSKI, WALTER J.	LVMPD #5858
2	VAUGHAN, TIMOTHY ALLEN	LVMPD #4672

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

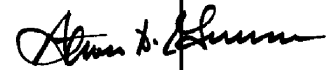
24

25

26

27 DA#15F08992A/B/td/dvu
28 LVMPD EV#1506172303
(TK3)

Electronically Filed
08/10/2015 10:29:07 AM



CLERK OF THE COURT

TRAN

**IN THE JUSTICE'S COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA**

STATE OF NEVADA,

Plaintiff,

vs.

RONNY POWE,
THAIRONYA POWE,

Defendants.

JC CASE NO. 15F08992A-B
DC CASE NO. C308371A-B

REPORTER'S TRANSCRIPT

OF

WAIVER OF PRELIMINARY HEARING

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

WEDNESDAY, JULY 29, 2015

APPEARANCES:

For the State: TYLER SMITH
Deputy District Attorney

For Defendant R. Powe: CRAIG DRUMMOND
Attorney at Law

For Defendant T. Powe: NADINE MORTON
Attorney at Law

Reported by: Donna J. McCord, CCR #337

1 LAS VEGAS, NEVADA, JULY 29, 2015, 10:00 A.M.

2

3

* * * * *

4

5 THE COURT: 15F08992A, Ronny Powe. That's
6 the one you're on, correct, Mr. Drummond?

7

MR. DRUMMOND: That's correct.

8

9 THE COURT: So he's going to waive without
negotiations?

10

MR. DRUMMOND: Correct, your Honor. And
11 we have received — he's coming out right now.

12

We've received a copy —

13

THE COURT: Come on in.

14

15 MR. DRUMMOND: We received a copy of the
third amended complaint. We waive its reading. On
16 behalf of Mr. Powe we unconditionally waive his
17 right to preliminary hearing without any
18 negotiations whatsoever.

19

20 THE COURT: All right. And, sir, do you
understand what's happening today?

21

DEFENDANT RONNY POWE: Yes.

22

23 THE COURT: You've discussed that with
your attorney?

24

DEFENDANT RONNY POWE: Yes, I have.

25

THE COURT: All right. And that's what

1 you want to do?

2 DEFENDANT RONNY POWE: Yes.

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

7 DEFENDANT RONNY POWE: Yes.

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

13 DEFENDANT RONNY POWE: Yes.

14 THE COURT: All right. When you get up to
15 District Court one of two things will happen, this
16 case will get negotiated or it will go to trial but
17 it will not come back here, okay?

18 DEFENDANT RONNY POWE: Okay.

19 THE COURT: All right. It appears to me
20 from the complaint on file that crimes have been
21 committed, to-wit: Count 1, first degree kidnapping
22 with use of a deadly weapon resulting in substantial
23 bodily harm; Count 2, attempt murder with use of a
24 deadly weapon; Count 3, battery with use of a deadly
25 weapon resulting in substantial bodily harm

1 constituting domestic violence, and just for the
2 record in that Count 3 his name is misspelled so I'm
3 going to strike that R; Count 4, battery with use of
4 a deadly weapon resulting in substantial bodily harm
5 constituting domestic violence; Count 5, battery
6 with use of a deadly weapon resulting in substantial
7 bodily harm constituting domestic violence; Count 6,
8 battery domestic violence strangulation; Count 7,
9 battery with use of a deadly weapon resulting in
10 substantial bodily harm constituting domestic
11 violence, and the defendant Ronny Powe having
12 unconditionally waived his right to a preliminary
13 hearing, I hereby order said defendant be held to
14 answer to said charges in the Eighth Judicial
15 District Court, County of Clark, State of Nevada at
16 the following date and time.

17 THE CLERK: July 31st, 10:00 a.m., lower
18 level District Court arraignments.

19 THE COURT: All right.

20 (Other matters on calendar heard.)

21 THE COURT: 15F08992B, Thaironya Powe.

22 MS. MORTON: Did you call Powe?

23 THE COURT: Yes.

24 MS. MORTON: Your Honor, Miss Powe
25 actually today rather than going to a preliminary

1 hearing is going to waive her preliminary hearing.

2 THE COURT: Okay. Without negotiations,
3 correct?

4 MS. MORTON: Yes, your Honor.

5 THE COURT: All right. Ma'am, do you
6 understand?

7 DEFENDANT THAIRONYA POWE: Yes.

8 THE COURT: You've discussed that with
9 your attorney?

10 DEFENDANT THAIRONYA POWE: I have.

11 THE COURT: And is that what you want to
12 do today?

13 DEFENDANT THAIRONYA POWE: Yes, your
14 Honor.

15 THE COURT: Do you understand when you
16 unconditionally waive your right to a preliminary
17 hearing you're giving up that right forever?

18 DEFENDANT THAIRONYA POWE: Yes, your
19 Honor.

20 THE COURT: All right. At a preliminary
21 hearing you'd have the right to confront the State's
22 witnesses. You also would have the right to testify
23 and present your own evidence. You're giving up
24 those rights as well; do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Once you get up to District
2 Court once of two things will happen, this case will
3 either get negotiated or it will go to trial, it
4 just will not come back here for preliminary
5 hearing; do you understand?

6 DEFENDANT THAIRONYA POWE: Yes, your
7 Honor.

8 THE COURT: All right. It appears to me
9 from the complaint on file that crimes have been
10 committed, to-wit: Counts 1, 2, 4, 5, 6 and 7, and
11 the defendant having waived her right to a
12 preliminary hearing, I hereby order said defendant
13 be held to answer to said charges in the Eighth
14 Judicial District Court, County of Clark, State of
15 Nevada at the following date and time.

16 THE CLERK: July 31st, 10:00 a.m., lower
17 level District Court arraignment.

18 THE COURT: All right. Thank you.

19 MS. MORTON: Thank you, your Honor.

20

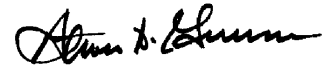
21 * * * * *

22 Attest: Full, true, accurate transcript of
23 proceedings.

24

25

_____/s/Donna J. McCord
DONNA J. MCCORD CCR #337



CLERK OF THE COURT

1 **NWEW**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TYLER D. SMITH
6 Deputy District Attorney
7 Nevada Bar #011870
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

CASE NO: C-15-308371-1

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

DEPT NO: XII

15 NOTICE OF EXPERT WITNESSES
16 [NRS 174.234(2)]

17 TO: RONNY POWE, aka, Ronny Darrow Powe, Defendant; and

18 TO: CRAIG DRUMMOND, ESQ., Counsel of Record:

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

21 1. DORT, SEAN D., MD or Designee, A medical doctor who will testify to his
22 observations, treatment, diagnosis, and prognosis of the injuries sustained by the victim.

23 2. GAVIN, LISA, MD, CCME #0086, or Designee – is a medical examiner with
24 the Clark County Coroner's Office and will testify regarding the mechanics and effects of
25 strangulation and other related matters.

26 3. GREENE, ELYNNE, P #4959, Victim Advocate for the Las Vegas Metropolitan
27 Police Department or Designee, is an expert in domestic violence and will testify about the
28 counterintuitive behavior of victims of domestic abuse, the reasons therefore, and other related


1 topics. Her testimony may include, but is not limited to, the cycle of domestic abuse; the effects
2 of power and control stratagems on the behavior of victims; coping and avoidance mechanisms
3 employed by victims; and the tendency of victims to delay reporting, minimize abuse, recant
4 prior statements, and vacillate affections toward their abusers.

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

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

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

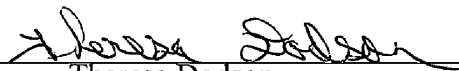
11 STEVEN B. WOLFSON
12 Clark County District Attorney
13 Nevada Bar #001565

14 BY 
15 TYLER D. SMITH
16 Deputy District Attorney
17 Nevada Bar #011870

18 CERTIFICATE OF FACSIMILE TRANSMISSION

19 I hereby certify that service of Notice of Expert Witnesses, was made this 2nd
20 day of September, 2015, by facsimile transmission to:

21 CRAIG DRUMMOND, ESQ.
22 FAX #702-508-9440

23 BY 
24 Theresa Dodson
25 Secretary for the District Attorney's Office
26
27
28

td/dvu

CURRICULUM VITAE OF SEAN D. DORT, M.D.

Office address: Southern Nevada Surgery Specialists
10001 S. Eastern Ave., Suite 200
Henderson, NV 89052

Date of Birth: November 8, 1966

Place of Birth: New York, New York

Citizenship: U.S.A.

College: Florida Atlantic University
B.A. in Chemistry, 1983

Research: Northridge General Hospital
College of Medicine
July 1985-June 1989

Medical School: University of South Florida
Affiliated Hospitals
June 1985-June 1989

Internship: University of South Florida
Affiliated Hospitals
July 1989-June 1990

Residency: University of South Florida
Affiliated Hospitals
July 1990-June 1993
Chief Resident General Surgery
July 1993-June 1994

Board Certification: American Board of Surgery

Practice History: Southern Nevada Surgery Specialists
July 1994-present

Organizations: Fellow, American College of Surgeons
Nevada State Medical Society
Clark County Medical Society

Hospital Privileges: St Rose Dominican Hospitals
Boulder City Hospital
Southern Hills Hospital

Hospital Appointment:

Chief of Surgery, St Rose Dominican Hospitals,
1999-2002
Vice-Chief of Staff, St Rose Dominican Hospitals,
2002-2007
Chief of Staff, St Rose Dominican Hospitals,
2007-Present
Chief of Surgery, Boulder City Hospital, 2004-
present
Director of Trauma, 2004-Present
Medical Executive Committee, 1999-Present
Vice-chairman, Clark County Trauma Medical
Advisory Committee, 2006-Present
Member RTAB, 2005-Present

Lisa Gavin, M.D., M.P.H.

1704 Pinto Lane, Las Vegas, NV 89106 ♦ 702.455.3210 ♦ LGavin@co.clark.nv.us

Current Position Medical Examiner, 2009 to present

Office of the Coroner/Medical Examiner, Clark County, Las Vegas, Nevada

Training & Education

Forensic Pathology Fellowship, 2008 to 2009

Office of the Chief Medical Investigator, Albuquerque, New Mexico

Surgical Pathology Fellowship, 2007-2008

Hartford Hospital, Hartford, Connecticut

Anatomic & Clinical Pathology Residency, 2002 – 2007

Hartford Hospital, Hartford, Connecticut

Post-Sophomore Fellowship in Pathology, 2001 – 2002

University of Connecticut Health Center, Farmington, Connecticut

Medical Degree, 2001

University of Connecticut School of Medicine, Farmington, Connecticut

Master Degree of Public Health, 1994

Columbia University School of Public Health, New York, New York

Bachelor of Arts, 1991

Mount Holyoke College, South Hadley, Massachusetts

Research Experience

Polyoma Virus Hemorrhagic Cystitis in an Otherwise Normal Child, 2008

Hartford Hospital Department of Pathology & Department of Pediatric Infectious Disease

Testicular Choriocarcinoma in a Young Male with Abdominal Pain, 2007

Hartford Hospital Department of Pathology & University of Connecticut

Department of Internal Medicine

Inter-observer Variability in Diagnosing Colon Biopsies as Indefinite for Dysplasia,

2006 Hartford Hospital Department of Pathology

Susceptibility of Streptococcus Pneumoniae to Moxifloxacin and

Other Antimicrobial Agents, 2004

Hartford Hospital Department of Pathology & Laboratory Medicine

Awards & Scholarship

Dr. Beckett Book Award, 2007

Martin Berman Immunopathology Award, 2007

Bloomberg Award for Psychiatry, 2001

Memberships

American Academy of Forensic Sciences (2009 to present)

American Society of Clinical Pathology (2003 – 2008, 2010)

United States and Canadian College of Pathologist (2005 – 2007)

College of American Pathologist (Delegate 2003 – 2007)

Connecticut Society of Pathologists (CSP) Delegate (2003 – 2007)

Next Page >>>

Lisa Gavin, M.D., M.P.H.

1704 Pinto Lane, Las Vegas, NV 89106 ♦ 702.455.3210 ♦ LGavin@co.clark.nv.us

Connecticut Society of Pathologists Presentations **Malignant Peritoneal Mesothelioma in 17 year-old male**, January 2006
Focal Nodular Hyperplasia, June 2004

Resident & Fellow Topics **Two Unusual Neuropathology Cases**, January 2008
Testicular Germ Cell Tumors, October 2007
Waldenstroms Macroglobulinemia, October 2005
Minimal Change Disease & Focal Segmental Glomerular Sclerosis, October 2004
Crescentic Glomerulonephritis or Rapidly Progressive Glomerulonephritis, January 2004
Mitral Valve Prolapse and Sudden Death, July 2003

Previous Work Experience **Teacher of “Correlated Medical Problem Solving” Course**, 2001 – 2002
University of Connecticut School of Medicine, Farmington Connecticut
Manager of South Marshall Street Pediatric Clinic, 1995 – 1997
Salvation Army, South Marshall Street, Hartford Connecticut
Administrative Assistant to the Director of Admissions & Career Development and to the Director of Academic & Student Affairs, 1992 – 1994
Columbia University School of Public Health, New York, New York
Tutor and Evaluator of children with learning disabilities, 1988 – 1994 & 1996 – 1997
Milford, Connecticut & Farmington, Connecticut
Coordinator of Infant Registration Project, 1991 – 1992
New York City Department of Health: Office of Child Health Planning, New York, New York

Service Work

- Annual Host for summer high-school student tours of Hartford Hospital Department of Pathology
- Education of Medical Students & Residents on rotation in Hartford Hospital Department of Pathology
- Guest speaker for Public Relations Department at Hartford Hospital for local middle-school children
- Guidance to Medical Technician Students interested in future careers in Medicine• Editor of personal statements and resumes

Medical License State of New Mexico, 2008 – 2011
State of Nevada, 2009 – 2011

Eligible For Anatomic Pathology,

Clinical Pathology and Forensic Pathology Boards

ELYNNE GREENE

EMPLOYMENT HISTORY

1981 – 1987	Creative Arts Therapist & Addictions Counselor, Charter Fairmount Institute, Philadelphia, Pennsylvania
1983 – 1988	Family Therapist & Addictions Counselor, Private Practice, Mt. Laurel, New Jersey
1987 – 1988	Lafayette Clinic, Lafayette Indiana, Therapist and EAP Provider for Purdue University and ALCOA
1988- 1992	Director of Crisis Intervention Services and Domestic Violence Shelter EYE Counseling and Crisis Services, Escondido California
1992 – 1993	Director of Training & Education Altercrest Juvenile Sex Offender Treatment, Cincinnati, Ohio
1993 – Present	LVMPD Victim Services Detail Las Vegas Metropolitan Police Department, Las Vegas, Nevada
2008- 2012	Acting Program Director of the Southern Nevada Human Trafficking Task Force
2012 - Present	Technical Advisor to the Southern Nevada Human Trafficking Task Force

EDUCATION

1975- Hahnemann University College Accelerated Program, **High School Diploma**
1979 - Temple University, **B.S. Psychology**
1981 - Lesley University, **MA Counseling and Creative Arts Therapies**
1986 – **Certificate** in Structural Family Therapy, Philadelphia Child Guidance Center

PROFESSIONAL QUALIFICATIONS

National Credentialed Advocate, Advanced, National Organization for Victim Assistance
NACP #N87-268-5746, Since 2005
POST Certified Trainer, Instructor Development, 1994
National Victim Assistance Academy, Washington DC, 1995
National Victim Assistance Academy, Faculty Development, Washington, DC, 1996
AB348 Task Force (Policy Development), 1998
Intermediate Instructor Development, 2000
Nevada Department of Justice Domestic Violence Train the Trainer, 2004
Nevada Department of Justice Domestic Violence Expert Witness Training, 2004
Rick Culley 360 Leadership Program, 2009- 2010
Clark County, Child Protective Services/Domestic Violence Policy Work Group, 2009
Child Advocacy Center Stakeholders' Workgroup, 2009
Clark County Adult Fatality Review Team, 2011
Nevada State Victim Assistance Academy Steering Committee, 2012

PROFESSIONAL MEMBERSHIPS /AFFILIATIONS

San Diego Domestic Violence Council, Executive Committee 1989 - 1990
Nevada Network Against Domestic Violence , Board Member, 1995 - 2000
National Organization for Victim Assistance, Membership
National Center for Victims of Crime, Membership
Nevada State Domestic Violence Prevention Council, Executive Committee Member
The Shade Tree Board of Trustees, 1993 – Present, Chair
Southern Nevada Domestic Violence Task Force, President
Community Coalition for Victims' Rights, Treasurer
Southern Nevada Human Trafficking Task Force Steering Committee

PRESENTATIONS/COURSES TAUGHT

Domestic violence and Mental Health, Hahnemann University 1997
Sexual Assault Team/SART Trainer, 1989 – 1991
Police and Corrections Academies for LVMPD since 1993
In-service Training on Victim Issues for LVMPD, since 1993
National Organization for Victims of Crime 20th Annual Conference, 1994
Nevada Network Against Domestic Violence Statewide Conference, 1994
Durango High School Empowerment Program, Teen Dating Violence, 1994
Latino Peace Officers' Association, 1994
Victim Issues for Law Enforcement – Three time/year 1993 - 2011
City of Las Vegas City Attorney's and Municipal Court Judges, 1995
Nevada Sheriff's and Police Chief's Association, 1996
Commendation from the City of Reno for helping to establish the Reno Police Department
Victim Services Unit, 1998
UNLV Sexual Assault Peer Education Training, 1999
Nevada POST I and II Basic Training, Community College of Southern Nevada, 2001-2002
LVMPD No Hitter Conference, 2001
Nevada Network Against Domestic Violence Statewide Conference, 2002
Las Vegas Municipal Court Annual Domestic Violence Conference, 2002
Child Advocacy Center Stakeholders' Workgroup, 2009
Rape Crisis Center Volunteer Training, Domestic Violence, 2001 - 2011
Teen Dating Violence Course, Bishop Gorman High School, 2010 – Present
Human Trafficking and the Impact on Victims, 2013
Police Briefing on Victim Issues – 1993 – Ongoing

TRAINING RECEIVED

Nevada Judiciary Training on Family Violence, 1993
Effective Child Sexual Assault Approaches. 16 hours, 1994

POST Instructor Development, 40 Hours, 1994
Gangs in Clark County, 7.0 Hours, 1994
National Organization for Victim Assistance Victim Service Providers Skill Development Program. 16 Hours, 1994
Domestic Violence Train the Trainer, 6.0 hours, 1994
Domestic Violence Statewide Training, 8.0 Hours, 1994
Domestic Violence Crime Scene Photo Documentation, 1994
National Threat Assessment Conference, 1994
San Diego Domestic Violence Council Domestic Violence Intervention Training 16.0 hours, 1995
Domestic Violence Statewide Training, 12.0 hours, 1995
Protocols to Identify Battered Women During Investigations of Child Abuse & Neglect, 1995
Western States Sexual Assault Conference, 28.0 Hours, 1995
Governors Conference on Healthy Families: Victory over Violence, 1996
Western States Sexual Assault Conference, 20.0 Hours, 1996
National Threat Assessment Conference, 1996
Leadership in Victim Services, 18.0 Hours, 1998
9th Annual District Attorneys Domestic Violence Conference, 1999
Intermediate Instructor Development, 80.0 Hours, 2000
Investigating and Intervening in Domestic Violence Cases, 2000
Crisis Intervention Skills, 6.0 Hours, 2000
Statewide Domestic Violence Conference, 24.0 Hours, 2002
Patrol Response to Custodial Issues in Domestic Violence Cases, 4.0 Hours, 2002
Western States Sexual Assault Conference, 24.0 Hours, 2002
International Domestic Violence and Sexual Assault Conference, 21.0 Hours, 2002
Boyd School of Law Intersection of Domestic Violence and Practice, 2002
Domestic Violence & Special Populations, 16.0 Hours, 2002
Victim Services 2000, A Collaborative Model of Serving Domestic Violence and Sexual Assault Victims, 2002
International Human Trafficking Conference, 2009
Teen Dating Violence, 2009
Protection Orders in Nevada, 2009
National Organization for Victim Assistance International Conference, Attended Annually from 1990 – 2011
National Center for Victims of Crime Annual Conference, Attended Annually from 2010 – Present Year
The Intersection Between Human Trafficking and Domestic Violence for Shelter Workers, 2010
Stalking Investigations & Safety Planning, 8.0 Hours , 2010
Advanced Human Trafficking Investigations, 40.0 Hours, 2010
Strangulation Identification and Implications Training. 2010
Statewide Domestic Violence Fatality Review Summit, 2010
National Family Justice Center Alliance Annual Conference, 2011
EMERGE: Best Practices for Batterer Treatment and Risk Management, 2011
Investigating and Intervening in Domestic Violence Cases, 2011

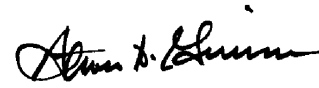
The CSI Effect; Maximizing the Potential for Forensic DNA, 2011
Western Region Anti-Trafficking Task Force Training, 2011
Providing Mental Health Services to Victims of Human Trafficking, 2011
Best Practices in Advocating for Sexual Assault and Domestic Violence Victims, 2011
EMERGE: Domestic Violence Danger Assessment and Risk Management, 2012
National Family Justice Center Alliance Annual Conference, 2012
Best Practices in Working with Families & Friends of Homicide Victims, 2013
National Family Justice Center Alliance Annual Conference, 2013
Impact of Cybercrimes and Identity Theft on Victims, 2013

VOLUNTEER POSITIONS

Women Organized Against Rape (Hotline and Hospital Crisis Counselor) 1994 – 1997
Boston Crisis Center (Hotline Crisis Intervention Counselor) 1998 – 1990
Lafayette Indiana Crisis Center (Hotline Counselor) 1991
Nevadan For the Common Good 2012 (Co0mmunity Organizing) - Present

AWARDS/RECOGNITION

Families of Murder Victims Victim Rights Week Award, 1996
Commendation from LVMPD Sheriff's Office for Authoring Domestic Violence Brochure for the Agency, 1997
Victim Rights Week Gary Collie Award, 1997
Families of Murder Victims Victim Rights Week Award, 2000
Volunteer of the Year Award, Victory Missionary Baptist Church, 2008
Shade Tree Volunteer Service Award, 2009
Southern Nevada Domestic Violence Task Force STAR Award, 2010
Rape Crisis Center Volunteer Award, 2011
Florence McClure Volunteer Award, 2013



CLERK OF THE COURT

1 NWEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TYLER D. SMITH
6 Deputy District Attorney
7 Nevada Bar #011870
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

17 TO: RONNY POWE, aka, Ronny Darrow Powe, Defendant; and

18 TO: CRAIG DRUMMOND, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses in its case in chief:

21	<u>NAME</u>	<u>ADDRESS</u>
22	AUTEN, I.	LVMPD #7938
23	EAGAN, L.	LVMPD #7860
24	LEMARBRE, J.	LVMPD #13382
25	LOPEZ, C.	LVMPD #6958
26	MCCARTIN, Z.	LVMPD #13956
27	RANDALL, C.	LVMPD #13427
28	ZINGELMAN, M.	LVMPD #14791

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 Clark County District Attorney
6 Nevada Bar #001565

7 BY Tyler D. Smith
8 TYLER D. SMITH
9 Deputy District Attorney
10 Nevada Bar #011870

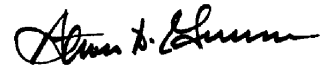
11 CERTIFICATE OF FACSIMILE TRANSMISSION

12 I hereby certify that service of Notice of Witnesses, was made this 2nd day of
13 September, 2015, by facsimile transmission to:

14 CRAIG DRUMMOND, ESQ.
15 FAX #702-508-9440

16 BY Theresa Dodson
17 Theresa Dodson
18 Secretary for the District Attorney's Office

19
20
21
22
23
24
25
26
27
28 td/dvu



CLERK OF THE COURT

1 **SLOW**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TYLER D. SMITH
6 Deputy District Attorney
7 Nevada Bar #011870
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

15 SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
16 [NRS 174.234(2)]

17 TO: RONNY POWE, aka, Ronny Darrow Powe, Defendant; and

18 TO: CRAIG DRUMMOND, ESQ., Counsel of Record:

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

21 1. HUSEBY, BRIANNE, P #14783, is employed as a Forensic Scientist II or
22 Designee - Las Vegas Metropolitan Police Department; will testify as an expert as to the
23 procedures, techniques and science employed in DNA analysis, all procedures employed in
24 this case and reports provided.

25 2. MELVILLE, THOMAS, P #5418, Forensic Scientist II or Designee - Las Vegas
26 Metropolitan Police Department; will testify as an expert in the field of chemical analysis; will
27 testify to the science, techniques and procedures employed in chemical analysis, techniques
28 employed in this case, results of those tests and any reports therefrom, including the weight of

W:\2015F\089\92\15F08992-NWEW-(POWE__RONNY)-003.DOCX

1 the questioned substance. He will be doing trace evidence and chemical analysis, specifically
2 the analysis and identification of the following items impounded under LVMPD Event No.
3 150617-2303:

4 Package 5, Item 9,

5 Package 5, Item 10,


6 Package 6, Item 11.

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

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

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

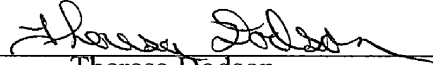
13 STEVEN B. WOLFSON
14 Clark County District Attorney
Nevada Bar #001565

15 BY 
16 TYLER D. SMITH
17 Deputy District Attorney
Nevada Bar #011870

18
19 CERTIFICATE OF FACSIMILE TRANSMISSION

20 I hereby certify that service of Supplemental Notice of Expert Witnesses, was made
21 this 22nd day of September, 2015, by facsimile transmission to:

22 CRAIG DRUMMOND, ESQ.
23 FAX #702-508-9440

24 BY 
25 Theresa Dodson
26 Secretary for the District Attorney's Office

27
28 td/dvu

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
CURRICULUM VITAE**

Date: 01/22/14

Name: Brianne Huseby

P# 14783

Classification: Forensic Scientist II

Current Discipline of Assignment: Bio/DNA Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support / DNA	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of Washington	1997-2001	Zoology, minor in Chemistry	BS
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
DNA FAM/ArmedXpert Training	WSP- Seattle Crime Lab	06/25-26/13	
NIST Mixture Interpretation Webinar	WSP- Seattle Crime Lab	06/13/13	
FBI NDIS Annual Review	WSP- Seattle Crime Lab	05/31/13	
Applied Biosystems HID Univ-Future Trends	WSP- Seattle Crime Lab	09/13/12	
CODIS 7.0 Training – FBI	WSP- Seattle Crime Lab	09/11/12	
Plexor HY Demonstration/Training – Promega	WSP- Seattle Crime Lab	08/01/12	

CURRICULUM VITAE -Name

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
CODIS 7.0 Training – FBI	WSP- Seattle Crime Lab	03/23/12
NDIS Annual Eligibility Training – FBI	WSP- Seattle Crime Lab	01/31/12
Criminalistics Workshop – Schneck	WSP- Seattle Crime Lab	12/07-08/11
NWAFS- HID Future Trends in DNA	Tacoma, WA	09/26/11
NDIS Annual Eligibility Training – FBI	WSP- Seattle Crime Lab	01/14/11
Hair Evaluation for DNA Analysis – Schneck	WSP- Seattle Crime Lab	06/01-02/10
FBI NDIS Annual Review	WSP- Seattle Crime Lab	03/31/10
AAFS General Meeting	Seattle, WA	02/26/10
Advances in Forensic DNA Analysis – AAFS	Seattle, WA	02/22/10
DNA Population Statistics – Carmody	WSP- Seattle Crime Lab	07/31/09
DNA Mixture Training – Shutler, Hodge	WSP- Seattle Crime Lab	01/06/09
Future Trends in DNA Technology –ABI	WSP- Seattle Crime Lab	08/12/08
Qiagen EZ1 Biorobot Demo and Training	WSP- Seattle Crime Lab	11/29/07
Case Approach Tools – PCFSI	WSP- Seattle Crime Lab	09/22/07
Future Trends in DNA Technology –ABI	WSP- Seattle Crime Lab	06/06/06
AAFS General Meeting	Seattle, WA	02/22-24/06
FBI Audit Training Course	Seattle, WA	02/21-22/06
ABI 7000/Quantifiler Training	WSP- Seattle Crime Lab	02/07/06
NWAFS General Meeting	Tacoma, WA	11/15/05
CODIS Eligibility Guidelines	WSP- Seattle Crime Lab	07/26/05
Clothing Examination – PCFSI	WSP- Seattle Crime Lab	06/24/05
Population Genetics and Statistics – NFSTC	Seattle, WA	05/19/05
Comparison Fluorescence STR Data – Myriad	Seattle, WA	02/16/05
Future Trends in DNA Technology –ABI	Seattle, WA	09/21/04
ABI 7000 Quantifiler Kit – ABI	Seattle, WA	04/14-15-04
Bloodstain Pattern Analysis – Tom Bevel	Seattle, WA	02/23-27/04
DNA Population Statistics – Carmody	WSP- Seattle Crime Lab	11/19/03

CURRICULUM VITAE -Name

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Presentation Skills – WSP	Olympia, WA	09/09-11/03
Trends in Forensic DNA Technology –ABI	WSP- Seattle Crime Lab	09/03/03
Basic Microscopy – Schneck	WSP- Seattle Crime Lab	05/14-16/03
STR DNA Analysis and Typing – CCI	Sacramento, CA	01/28-31/03
Courtroom Testimony – Ron Smith	Criminal Justice TC – Burien	01/06-07/03
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Superior Court (WA state, King, Kitsap, Clallam Counties)	Biology/DNA	32
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Dept.	Forensic Scientist 2	2013-present
Washington State Patrol	Forensic Scientist 3	2005-2013
Washington State Patrol	Forensic Scientist 2	2003-2005
Washington State Patrol	Forensic Scientist 1	2002-2003
University of Washington	Laboratory Technologist	1998-2002
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
American Academy of Forensic Sciences, Northwest Association of Forensic Scientists	2002-present	
PUBLICATIONS / PRESENTATIONS:		
N/A		

CURRICULUM VITAE -Name

OTHER QUALIFICATIONS:
N/A

Statement of Qualifications

Name:

Page: 1

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 02/03/11Name: Thomas MelvilleP#: 5418Classification: Forensic Scientist IICurrent Discipline of Assignment: Controlled Substances

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances	X	Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence	X	Arson Analysis	X
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	X
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of Massachusetts / Boston	1987 - 1991	Chemistry	BS
University of Nevada at Las Vegas	1993 - 1994	Chemistry	N/A
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
Clan Lab Safety Recertification	Las Vegas, NV	12/01/10	
Headlamp Examination	Sacramento, CA	05/25/10-05/27/10	
Innov-X Systems	Las Vegas, NV	04/08/10	
Fiber Identification and Comparison	Sacramento, CA	03/01/10-03/05/10	
Clan Lab Safety Recertification	Las Vegas, NV	09/30/09	

Statement of Qualifications

Name:

Page: 2

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Trace Evidence Symposium	Tampa, FL	08/03/09-08/26/09
NIJ FSI – Glass	Las Vegas, NV	06/19/09
NIJ FSI – Tape, Soil, Fiber	Las Vegas, NV	06/15/09-06/17/09
Clan Lab Safety Recertification	Las Vegas, NV	12/10/08
Polarizing Light Microscopy	Chicago, IL	09/29/08-10/03/08
Interpretation of Infrared Spectra	San Diego, CA	09/23/08-09/25/08
Laboratory Analysis of Fire Debris	Quantico, VA	04/21/08-04/25/08
Marijuana Grow Class	Las Vegas, NV	10/07
Clan Lab Safety Recertification	Las Vegas, NV	10/07
Clan Lab Safety Recertification	Las Vegas, NV	10/06
Clan Lab Safety Recertification	Las Vegas, NV	9/05
SCBA Training	Las Vegas, NV	12/04
New Years Eve Training Exercise	Las Vegas, NV	12/04
Tryptamine Synthesis - DEA	Vista, CA	10/04
LSU WMD Sampling Techniques	Las Vegas, NV	7/04
CST Biological Exercise	Las Vegas, NV	6/04
Explosives Training - in service	Las Vegas, NV	4/04
Southern Nevada Public Health Lab - Sampling	Las Vegas, NV	4/04
Biological/Chemical Agent Sample Collection and Laboratory Awareness Training for First Responders	Las Vegas, NV	4/04
WMD Explosives Training (Bechtel Nevada Counter Terrorism Operations Support)	Las Vegas, NV	2/04

Statement of Qualifications

Name:

Page: 3

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
WMD Hazmat Technician Course (COBRA - 24 hours)	Anniston, Alabama	2/04
Clandestine Site Safety Officer	Folsom, CA	12/03
WMD - Radiation	Las Vegas, NV	8/03
WMD - Lab	Las Vegas, NV	8/03
Clandestine Laboratory Safety Recertification	Las Vegas, NV	7/03
Clandestine Safety Recertification Class	New Orleans, LA	9/02
Clandestine Laboratory Investigating Chemist Seminar	New Orleans, LA	9/02
Weapons of Mass Destruction (WMD) Exercise "Operation Snapshot" - Determined Promise	Las Vegas, NV	8/02
Clan Lab MDMA-PCP	Las Vegas, NV	03/02
Digital Imaging Workshop	Las Vegas, NV	9/01
Clandestine Laboratory Investigating Chemist Seminar (Respirator Use and Operation Refresher Course)	Monterey, CA	9/01
American Academy of Forensic Science (AAFS)	Seattle, WA	2/01
Confined Space Awareness	Las Vegas, NV	12/00
WIN / ACE training	Las Vegas, NV	11/00
Clandestine Laboratory Safety Re-certification	Las Vegas, NV	9/00
Clandestine Laboratory Investigative Chemists Technical Training Seminar	Toronto, Canada	9/99
STC Micro Plate Heterogenous Immunoassay Training	Las Vegas, NV	8/99
STC Applications Training	Las Vegas, NV	5/99
Courtroom Testimony	Las Vegas, NV	2/99

Statement of Qualifications

Name:

Page: 4

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Controlled Substance Training	Las Vegas, NV	5/98 - 2/99
Forensic Chemist Seminar, Drug Enforcement Administration	Fairfax, VA	12/98
Clandestine Laboratory Investigating Chemists (CLIC)	Little Rock, AR	9/98
Clandestine Laboratory Investigation and Safety Certification	Las Vegas, NV	8/98
Courtroom Presentation of Evidence: Effective Expert Witness Testimony	Las Vegas, NV	11/97
Hewlett Packard Interpretation of Mass Spectra	Las Vegas, NV	11/97
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
District Court - Nye County - Pahrump	Controlled Substances	2
Justice Court - Nye County - Pahrump	Controlled Substances	3
Division 3, Mohave County, AZ	Controlled Substances	1
Grand Jury, Clark County	Controlled Substances	>20
District Court, Clark County	Controlled Substances	>24
District Court, Clark County	Trace Evidence	1
Justice Court, Clark County	Controlled Substances	>5
Federal Court, Nevada	Controlled Substances	>7
Federal Court, Ohio	Controlled Substances	1
Municipal Court, Henderson	Controlled Substances	1
Justice Court, Alamo	Controlled Substances	1

Statement of Qualifications

Name:

Page: 5

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Dept.	Forensic Scientist	5/98 - present
Las Vegas Metropolitan Police Dept.	Forensic Laboratory Technician	2/97 - 5/98
ICF Kaiser Engineers	Organic Analytical Chemist / Materials Document Control Officer	2/92 - 2/97
EFFEX Analytical Services	Senior Analytical Chemist	2/93 - 11/95
Biogen	Process Operator	5/90 - 12/91
PROFESSIONAL AFFILIATIONS		
<i>Organization</i>	<i>Date(s)</i>	
Clandestine Laboratory Investigating Chemists	1999 to present	
PUBLICATIONS / PRESENTATIONS:		
Chemical Hazards / Toxicology - 9/05		
Clandestine Methamphetamine Cooking Class - 01/07		
Chemical Hazards / Toxicology - 10/07		
OTHER QUALIFICATIONS:		
None		

RECEIVED**OCT 28 2015****COURT ADMIN****EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

State of Nevada

PLAINTIFF

-VS-

BONNY POWEThaironya Powe

DEFENDANT

CASE NO: C-15-308371-1DEPT. NO: 12**MEDIA REQUEST AND ORDER ALLOWING
CAMERA ACCESS TO COURT PROCEEDINGS*** Please fax to (702) 671-4548 to ensure that the request will be processed as quickly as possible. Electronically Filed
10/30/2015 06:02:10 AMAmy Murphy (name), of My Entertainment (media organization) Amy B. Murphy

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

CLERK OF THE COURT

Dept. No. 12, the Honorable Judge Leavitt Presiding, on the 29 day of
October, 20 15

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

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

Dated this 28 day of October, 20 15SIGNATURE: [Signature]PHONE: 818 915 5772

IT IS HEREBY ORDERED THAT:

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

X

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

☐ **OTHER:** _____**IT IS FURTHER ORDERED** that this document shall be made a part of the record of the proceedings in this case.

Dated this

29 day of October, 20 15[Signature]
DISTRICT COURT JUDGE**RECEIVED****OCT 28 2015****DEPT. 12**

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

State of Nevada

PLAINTIFF

-VS-

Ronny Powe, Thaironya Powe

DEFENDANT

CASE NO: C-15-308371-1

DEPT. NO: 12

**NOTIFICATION OF
MEDIA REQUEST**

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

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

DATED this 28 day of October, 2015



Eighth Judicial District Court

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 28 day of October, 2015, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff

District Attorney

(702) 455-2294

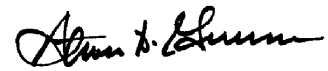
Defendant

Craig W. Drummond

(702) 508-9440



Eighth Judicial District Court



CLERK OF THE COURT

1 **NOTC**
2 **DRUMMOND LAW FIRM**
3 Craig W. Drummond, Esq.
4 Nevada Bar No. 11109
5 228 S Fourth Street, First Floor
6 Las Vegas, NV 89101
7 T: (702) 366-9966
8 F: (702) 508-9440
9 Craig@DrummondFirm.com
10 *Attorney for Defendant*

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 STATE OF NEVADA,)
14)
15)

16 Plaintiff,)
17)
18)

19 vs.)
20)
21)

22 RONNY POWE,)
23)
24)

25 Defendant.)
26)
27)
28)

Case No.: C-15-308371-1
Dept. No.: XII

29 **DEFENDANT RONNY POWE'S NOTICE AND REQUEST FOR JOINDER**

30 COMES NOW, Defendant, RONNY POWE, by and through his attorney of record,
31 CRAIG W. DRUMMOND, ESQ., and hereby moves this Honorable Court to join Co-Defendant,
32 Thaironya Powe on the following Motions currently set for argument on December 17, 2015 at
33 8:30am. This is a request to join the following motions and arguments with the substitution of the
34 name RONNY POWE being considered by this Honorable Court in the place of Thaironya Powe
35 as it relates to the law, substance, and argument:

36 1) MOTION TO SEVER

37 2) MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE

38 This motion is made and based on the Points and Authorities, all pleadings and papers on
39 file herein and any oral argument requested by the Court at the time of hearing.

1 **FACTUAL HISTORY**

2 This Motion is being made as an issue of judicial economy because of related facts and
3 circumstances of this multi-defendant case. Upon review of the recent filings by Co-Defendant
4 Thaironya Powe, it appears that the same facts and issues also surround the facts and position in
5 this case of the instant case of Defendant Ronny Powe. As such, this is a request to join in the
6 arguments of counsel and her requests to this Honorable Court for relief.

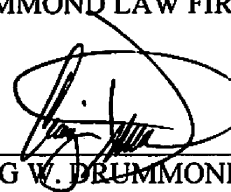
7
8 **POINTS & AUTHORITIES**

9 Pursuant to NRS 174.095, "Any defense or objection which is capable of determination
10 without the trial of the general issue may be raised before trial by motion." This request is being
11 made to ensure that Defendant Ronny Powe is not waiving any of his rights or requests for relief
12 pursuant to NRS 174.105.

13 Further, as outlined above, this motion is being filed as an issue of judicial economy to
14 reduce the burden on this Court and to eliminate duplicative pleadings, hearing, and filings.

15
16 DATED this 11 of December, 2015.

17 DRUMMOND LAW FIRM

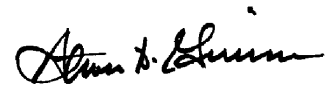
18
19 By 
20 CRAIG W. DRUMMOND, ESQ.
21 Nevada Bar No. 11109
22 228 South Fourth St., First Floor
23 Las Vegas, NV 89101
24 T: (702) 366-9966
25 F: (702) 508-9440
26 craig@drummondfirm.com
27 Attorney for Defendant
28

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9 and Administrative Order 14-2, the undersigned does hereby certify that on this // day of December, 2015, service of a true and correct copy of the foregoing DEFENDANT RONNY POWE'S NOTICE AND REQUEST FOR JOINDER was duly made on all parties herein by causing a true copy thereof to be filed and/or served with the Clerk of Court using the Wiznet E-File & Serve system, which was served via electronic transmission per Service List and/or facsimile transmission to the below fax number.

Clark County District Attorney
Tyler D. Smith, Esq.
Deputy District Attorney
F: (702) 477-2910


An Employee of DRUMMOND LAW FIRM



CLERK OF THE COURT

MOT
DRUMMOND LAW FIRM
CRAIG W. DRUMMOND, ESQ.
Nevada Bar No. 011109
228 South Fourth St., First Floor
Las Vegas, NV 89101
T: (702) 366-9966
F: (702) 508-9440
craig@drummondfirm.com
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA

Plaintiff,

vs.

RONNY POWE

Defendant.

Case No.: C-15-308371-1

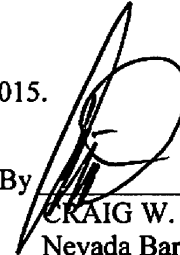
Dept. No.: XII

DEFENDANT RONNY POWE'S MOTION FOR DISCOVERY

COMES NOW Defendant, RONNY POWE, by and through his attorney of record, CRAIG W. DRUMMOND, ESQ., and hereby moves this Honorable Court for an order requiring the District Attorney's Office to provide the defense with the information or records requested below, or in the alternative, with the opportunity to inspect and copy said information or records.

This motion is made and based on all of the pleadings and papers on file herein, the points and authorities submitted herewith and such oral argument as may be allowed at the time of the hearing hereon.

DATED this 14 day of December, 2015.

By 
CRAIG W. DRUMMOND, ESQ.
Nevada Bar No. 11109
Attorney for Defendant

NOTICE OF MOTION


TO: STATE OF NEVADA, Plaintiff; and

TO: DISTRICT ATTORNEY, its attorneys:

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing in Department XII of the above entitled Court, on the 21 day of January, ²⁰¹⁶~~2015~~ at the hour of 8:30 ~~am~~^{pm}, or as soon thereafter as counsel may be heard.

DATED this 14 day of December, 2015.

By


Craig W. Drummond, Esq.
Nevada Bar No. 11109
228 S Fourth Street, First Floor
Las Vegas, NV 89101
Attorney for Defendant

DECLARATION OF COUNSEL IN SUPPORT OF MOTION

I, CRAIG W. DRUMMOND, ESQ., in accordance with NRS 53.045 and under penalty of perjury make the following declaration:

1. That I am duly qualified, practicing and licensed attorney in the State of Nevada and the State of Missouri and am the appointed counsel for Defendant Ronny Powe.
2. That I am familiar with the facts and circumstances of this case.
3. That I have previously requested the District Attorney's office for all information in the possession of the State regarding past criminal history of the victim as it relates to felonies and any crimes of dishonesty, or other potential exculpatory evidence. This includes all information in the possession of the State related to the competence, mental state and drug use of the victim, to include information in the State's files as it relates to M-12-139381.

1 4. That the District Attorney's office response to the requested information was that
2 they do not have any information regarding the mental state or drug use of the victim, and that
3 Case No. M-12-139381 does not appear to exist.

4 5. After research, that the Petition and Order does exist, Case M-12-139381/M-12-
5 139381-M, regarding the mental health status and/or drug use of the victim was filed in May 2015
6 by the District Attorney's Office. See Exhibit A.

7 6. I sign this affidavit and declaration in accordance with NRS 53.045 and under
8 penalty of perjury.



Craig W. Drummond, Esq.
Nevada Bar No. 11109

POINTS AND AUTHORITIES

I.

STATEMENT OF FACTS

15 The Defendant, Ronny Powe, is charged with (1) First Degree Kidnaping with use of a
16 deadly weapon resulting in substantial bodily harm; (2) Attempt Murder with use of a deadly
17 weapon; (3) Battery with use of a deadly weapon resulting in substantial bodily harm constituting
18 domestic violence; (4) Battery with use of a deadly weapon resulting in substantial bodily harm
19 constituting domestic violence; (5) Battery with use of a deadly weapon resulting in substantial
20 bodily harm constituting domestic violence; (6) Battery constituting domestic violence –
21 strangulation; (7) Battery with use of a deadly weapon resulting in substantial bodily harm
22 constituting domestic violence. This matter is set for jury trial on January 5, 2015.

23 This matter involves named victim Ranette Martin who had an intimate relationship with
24 Defendant Ronny Powe and lived with the Defendant. On June 17, 2015, Ms. Martin was taken to
25 St. Rose Hospital by Mr. Ronny Powe and his mother due to a gunshot wound to the right leg,
26 burns on her abdomen and chest, and a beaten face. Upon initial questioning by LVMPD officers,
27 Ms. Martin stated she was a victim of a robbery as she was walking through the desert area
28 heading back home from the South Point Casino on June 16, 2015. Two men approached Martin,

1 where the one white male pointed a handgun at Martin, grabbed her around her neck and
2 demanding, "give me your purse". He then began to hit Martin on her head and face with that
3 handgun. The other male, behind Martin, grabbed her by the hair and hit her in the back of the
4 head and body as she fell to the ground. As the first male took her purse and was walking away,
5 he shot Martin in her right knee. Martin passed out and was later found by a woman.

6 However, upon talking to robbery investigating detectives, Martin told the detectives that
7 the robbery story was a lie and that Ronny Power and Thaironya Powe had actually caused her
8 injuries. Martin then told a very different story. Martin said that she drinking in the garage of
9 their home with Ronny Powe, Thaironya Powe, and Hames when she got into an altercation with
10 Ronny and Thaironya. Martin said Ronny grabbed Martin around the neck and dragged her back
11 to the garage while Thaironya was punching her on the face and body. Among other accusations,
12 Martin continued to say that her ankles were duct taped; that her wrists were duct taped behind her
13 back; that toilet paper was shoved in her mouth and duct taped her mouth shut to keep her from
14 screaming; that she was set on fire when Ronny poured gasoline on her; and that Ronny shot her
15 right knee with a gun.

16 In this case, the defense reiterates the request for the following:

- 17 1) A copy of any payments, travel payments, correspondence in any form, promises,
18 guarantees or assurances between the State and the witnesses that you plan to call at trial.
 - 19 2) A copy of all correspondence between the named-victim and any member of law
20 enforcement and the Clark County District Attorney's Office.
 - 21 3) Past criminal history of the victim as it relates to felonies and any crimes of dishonesty, or
22 other potential exculpatory evidence.
 - 23 4) Copies of all statements, written, recorded, or summarized made by the named-victim to
24 law enforcement, and the District Attorney's Office, where the credibility of the named-
25 victim was questioned in other cases or incidents.
- 26
27
28

- 1 5) All information in the possession of the State related to the competence, mental state and
- 2 drug use of the victim, to include information in the State's files as it relates to the Petition
- 3 and allied papers filed by the Clark County District Attorney's Office, M-12-139381.
- 4 6) Copies of all reports prepared by the experts disclosed by the District Attorney's Office in
- 5 this case, to include a copy of their CV's and any charging fee schedule.
- 6

7 **II.**

8 **ARGUMENT**

9 The defense is entitled to any and all evidence in the possession of the State to any and all
10 benefits received by any witnesses for the State in this matter. The confrontation clause of the
11 Sixth and Fourteenth Amendments to the United States Constitution guarantees a criminal
12 defendant the right to confront his accusers and the opportunity to demonstrate the existence of a
13 possible bias or prejudice of a witness in support of the defendant's theory of the case. Davis v.
14 Alaska, 415 U.S. 308, 317-18, 94 S.Ct. 1105, 1110-11, 39 L.Ed.2d 347 (1974). Pursuant to
15 Davis, the United States Supreme Court has held that "[w]e have recognized that the exposure of a
16 witness' motivation in testifying is a proper and important function of the constitutionally
17 protected right of cross examination."

18 **This also includes a right to introduce evidence challenging the victim's credibility, in**
19 **order to dispel an inference which the jury might otherwise draw from the circumstances.**
20 Summitt v. State, 101 Nev. 159, 697 P.2d 1374 (1985).

21 The prosecution has the duty to disclose to the Defendant all exculpatory evidence. Brady
22 v. Maryland, 373 U.S. 83 (1963); See, also, Giles v. Maryland, 386 U.S. 66 (1967); Dennis v.
23 U.S., 384 U.S. 855, 873 (1966); Giglio v. U.S., 925 S.Ct. 763 (1972). It is clear that the trial court
24 has wide discretion in permitting discovery. See, Marshall v. District Court, 79 Nev. 280, 382
25 P.2d 214 (1963). Pursuant to Burr v. Sullivan, 618 F. 2d 583 (1980), the State should turn over
26 discovery of their witnesses at trial or habeas relief will later be granted on appeal or review.

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

III.
CONCLUSION

WHEREFORE, it is respectfully submitted that in light of the foregoing authority, Mr. Powe's motion should be granted and the State should be required to immediately produce the requested evidence.

DATED this 14 day of December, 2015.

By 

CRAIG W. DRUMMOND, ESQ.
Nevada Bar No. 011109
228 South Fourth St., First Floor
Las Vegas, NV 89101
T: (702) 366-9966
F: (702) 508-9440
craig@drummondfirm.com
Attorney for Defendant

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9 and Administrative Order 14-2, the undersigned does hereby certify that on this 14 day of December, 2015, service of a true and correct copy of the foregoing DEFENDANT RONNY POWE'S MOTION FOR DISCOVERY was duly made on all parties herein by causing a true copy thereof to be filed and/or served with the Clerk of Court using the Wiznet E-File & Serve system, which was served via electronic transmission per Service List and/or facsimile transmission to the below fax number.

Clark County District Attorney
Tyler D. Smith, Esq.
Deputy District Attorney
F: (702) 477-2910

Nadine Morton, Esq.
11700 W. Charleston Blvd #170-65
Las Vegas, Nevada 89135
F: (702) 435-9828
Attorney for Defendant Thaironya Powe

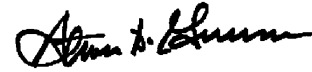


An Employee of DRUMMOND LAW FIRM

Exhibit A

Electronically Filed
05/06/2015 11:38:09 AM

1 PCOA
2 TIMOTHY J. BALDWIN,
3 Deputy District Attorney
4 OFFICE OF THE DISTRICT ATTORNEY
5 Nevada Bar No. 11048
6 500 S. Grand Central Pkwy., Fifth Floor
7 Las Vegas, Nevada 89155-2215
8 702.455-4761
9 Attorneys for UNIVERSITY MEDICAL CENTER.


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

10 IN THE MATTER OF THE HOSPITALIZATION OF	Case: M-12-139381
11 NAME: Ranette Martin	Dept. No.: A
12 DOB: 12/27/1980	
13 ALLEGED TO BE A MENTALLY ILL PERSON	Hearing Date: May 8, 2016
14	Hearing Time: 1:30 p.m.

PETITION FOR COURT-ORDERED ADMISSION FOLLOWING A PREVIOUS
EMERGENCY ADMISSION TO A HEALTH CARE FACILITY

18 State of Nevada

19 County of Clark

ss.

21 The undersigned Robert Müll, M.D. being first duly sworn, deposes and says:

22 1. That I am the Petitioner in the above-entitled action, and that I am a physician
23 duly licensed to practice in the State of Nevada;

24 2. Ranette Martin, the allegedly mentally ill person (hereinafter "the Patient"),
25 being detained at University Medical Center of Southern Nevada. That I hereby certify that
26 the attached Application, Certification and Medical Clearance for Emergency Admission of a
27 Allegedly Mentally Ill Person to a Mental Health Facility is a true and correct copy of the
28

1 same on file in the medical records of the Patient maintained at University Medical Center of
2 Southern Nevada.

3 3. That the Patient has been examined by a physician and that said Patient is
4 mentally ill and as a result of that mental illness the Patient is likely to harm himself/herself
5 or others, as defined in N.R.S. § 433A.146.

6 WHEREFORE, Petitioner prays the Court to:

- 7 1. ORDER the Patient to be detained for a mental examination at University
8 Medical Center of Southern Nevada;
9 2. ORDER a mental examination of the Patient at the above-referenced health
10 care facility;
11 3. ORDER a hearing to be held on this Petition at 1:30 p.m. on the 8th day of
12 May, 2015 at Southern Nevada Adult Mental Health Services, 1850
13 Community College Drive, Las Vegas, Nevada, or such other place as the
14 Court deems appropriate; and
15 4. ORDER the Patient's involuntary admission to a Nevada Mental Health Facility
16 for the most appropriate course of treatment, upon the hearing and
17 consideration of all relevant evidence at the above-mentioned hearing and an
18 appropriate finding by the Court.

19 DATED this 6th day of May, 2015

20 
21 CERTIFYING PHYSICIAN,
22 Petitioner
23
24
25
26
27
28

MENTAL DISPOSITIONS

- ☐ - Involuntary (Statutory) Dismissal
☐ - Dismissed/Want of Prosecution
☐ - Settled/Withdrawn W/Judicial Conference/Hearing

District Court
CLARK COUNTY, NEVADA

-FILED IN OPEN COURT-
May 08, 2015

Steve Grierson, Clerk of Court

By: Kathleen Prock
Kathleen Prock, Deputy

MRAO

IN THE MATTER OF THE EXAMINATION OF

RANETTE MARTIN

ALLEGED TO BE A MENTALLY ILL PERSON

CASE NO.: M-12-139381-M

DEPARTMENT A

MASTER'S RECOMMENDATION AND ORDER

This matter having come before the above entitled Court before the undersigned Hearing Master for hearing on the Petition for the above named person's involuntary court ordered admission to a mental health facility, and the Court having heard and considered all relevant testimony, exhibits and the facts and documents herein, and good cause appearing therefore now recommends:

- ☐ **INVOLUNTARY ADMISSION:** It is hereby recommended that the patient named in the caption above be involuntarily admitted to a mental health facility for the most appropriate course of treatment as the patient is found to be "mentally ill" as defined in NRS 433A.115. The least restrictive environment in the patient's best interest is as follows:
- ☐ The Administrator Of The Division Of Mental Hygiene And Mental Retardation, Carson City, NV.
- or-
- ☐ Affirm Return From Conditional Release.
- ☐ **DISMISSAL:** It is hereby recommended that the proceedings herein be dismissed.
- ☐ Patient Found Not To Meet Commitment Criteria ☐ Patient Signed Voluntary Papers ☐ Patient Discharged
- ☐ In Lieu Of Voluntary Admission, Petitioner May Refile Should Patient Attempt Discharge Against Medical Advice
- ☐ Guardianship in Place ☐ Other:
- ☒ **CONTINUANCE:** It is hereby recommended that these proceedings be continued to the 5th day of June, 2015, at 1:30 PM.
- ☐ **CONDITIONS:** Patient shall be released to family when family is ready.

DATED this 8th day of May, 2015

Jon Norheim
JON NORHEIM, HEARING MASTER

The undersigned hereby certifies that on the above date, a copy hereof was given to the Deputy District Attorney, the Patient's Attorney, and the Patient or the hospital staff.

Steve Grierson
STEVE GRIERSON, CEO/CLERK OF THE COURT

ORDER

Upon reviewing the above recommendation and good cause appearing therefore,

- ☒ **IT IS HEREBY ORDERED** the recommendations are approved and **ORDERED** as set forth above.
- ☒ **IT IS HEREBY ORDERED** that the Clerk of the Court shall seal the contents of Patient's file pursuant to NRS 433A.360.
- ☐ **IT IS HEREBY ORDERED**

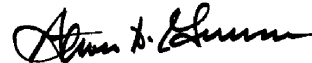
DATED this 8th day of May, 2015.

William O'Leary
DISTRICT COURT JUDGE

STEVEN B WOLFSON, District Attorney
Nevada Bar No. 1565

James J. Fuchs #0047

NOTICE: Pursuant to NRS 433A.310, the above order of the Court for involuntary admission is interlocutory and shall become final 30 days after the above date, unless the patient named in the caption above has been unconditionally released from the mental health facility pursuant to NRS 433A.390.



CLERK OF THE COURT

MCNT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TYLER D. SMITH
Deputy District Attorney
Nevada Bar #011870
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-

RONNY POWE, aka,
Ronny Darrow Powe, #1415128,
THAIRONYA BREINNE POWE, aka,
Thaironya Breienne Powe, #8113600,

Defendants.

CASE NO: C-15-308371-1
C-15-308371-2

DEPT NO: DISTRICT XII

NOTICE OF HEARING

DATE 3-15-16 TIME 8:30am

APPROVED BY pr

NOTICE OF MOTION AND MOTION TO CONTINUE

DATE OF HEARING: March 15, 2016
TIME OF HEARING: 8:30 A.M.

TO: RONNY POWE, aka, Ronny Darrow Powe, Defendant;

TO: THAIRONYA BREINNE POWE, aka, Thaironya Breienne Powe, Defendant;

TO: CRAIG DRUMMOND, ESQ., Attorney for RONNY POWE, aka, Ronny
Darrow Powe, Defendant; and

TO: NADINE MORTON, ESQ., Attorney for THAIRONYA BREINNE POWE,
aka, Thaironya Breienne Powe, Defendant.

YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that the State
respectfully moves this Court to continue the above entitled case.

///

///

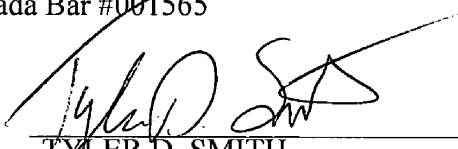
///

1 This Motion, which will be heard in District Court on the 15th day of March, 2016, at
2 8:30 o'clock, A.M., is based upon Hill v. Sheriff of Clark County, 85 Nev. 234 (1969), and is
3 supported by the following Affidavit.

4 DATED this 11th day of March, 2016.

5 STEVEN B. WOLFSON
6 Clark County District Attorney
Nevada Bar #001365

7
8 BY


9 TYLER D. SMITH
10 Deputy District Attorney
11 Nevada Bar #011870
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AFFIDAVIT

STATE OF NEVADA)
)ss:
COUNTY OF CLARK)

TYLER D. SMITH, being first duly sworn, deposes and says:

1. That Brianne Huseby P #14783 is a witness for the State of Nevada in this matter; that her present address is the Las Vegas Metropolitan Police Department Forensic Lab;

2. That the following efforts were made to procure the attendance of this witness at the trial scheduled in this matter for March 22, 2016; that a subpoena was issued on January 21, 2016; that said subpoena was served on Ms. Huseby;

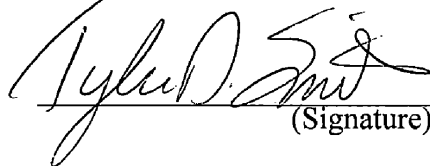
3. That Brianne Huseby P #14783 is an essential witness in that she is a forensic scientist with the Las Vegas Metropolitan Police Department and conducted DNA analysis on evidence in this case; that to affiant's present knowledge there is no other witness who could so testify;

4. That said witness will be available to testify after April 4, 2016 ; that it will be necessary to seek a continuance in this matter due to the unavailability of this witness; that affiant first learned on February 18, 2016, that this witness would not be available to testify at the scheduled trial in that she has a medical procedure scheduled to begin on March 23, 2016, and will be recover from said surgery through the April 4, 2016 date; that since the charges in this case carry a possible life sentence jury selection is likely to go through March 23, 2016; and that the State asked defense counsel if they would be willing to stipulate to Ms. Huseby's analysis and conclusions which defense counsel indicated they would not;

5. That this Motion is made in good faith and not for the purpose of delay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 03/11/16
 (Date)



(Signature)

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

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of Notice of Motion and Motion to Continue was made
this 11th day of March, 2016, by facsimile transmission to:

CRAIG DRUMMOND, ESQ.
FAX #702-508-9440
Attorney for Defendant Ronny Powe

BY: Theresa Dodson
Theresa Dodson
Secretary for the District Attorney's Office

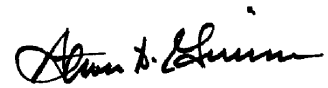
CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing Notice of Motion and Motion
to Continue, was made this 11th day of March, 2016, to:

NADINE MORTON, ESQ.
nadinemorton@me.com
Attorney for Defendant Thaironya Breinne Powe

BY: Theresa Dodson
Theresa Dodson
Secretary for the District Attorney's Office

TDS/td/dvu



CLERK OF THE COURT

1 **NOTC**

2 **DRUMMOND LAW FIRM**

3 **CRAIG W. DRUMMOND, ESQ.**

4 Nevada Bar No. 011109

5 228 South Fourth St., First Floor

6 Las Vegas, NV 89101

7 T: (702) 366-9966

8 F: (702) 508-9440

9 craig@drummondfirm.com

10 *Attorney for Defendant*

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 THE STATE OF NEVADA)

14 Plaintiff,)

15 vs.)

16 RONNY POWE)

17 Defendant.)

Case No.: C-15-308371-1

Dept. No.: XII

18 **DEFENDANT RONNY POWE'S NOTICE OF EXPERT WITNESS**

19 COMES NOW Defendant, RONNY POWE, by and through his attorney of record,
20 CRAIG W. DRUMMOND, ESQ., and hereby provides notice of the following expert witness
21 pursuant to NRS 174.234(2).

22 1.) RONALD R. SCOTT, M.A., M.S.
23 37881 N. 10th St., Phoenix AZ 85086

24 A copy of the witness's CV is attached hereto as Exhibit A.

25 The witness has not prepared any formal reports at this time.

26
27 //
28

DRUMMOND LAW FIRM
228 SOUTH FOURTH STREET, FIRST FLOOR
LAS VEGAS, NEVADA 89101
DRUMMONDFIRM.COM

1 Mr. Scott is expected to testify at trial as an expert witness on the subject areas of:
2 firearms, ballistics, shooting reconstruction and investigations, shooting dynamics, gunshot
3 distance, Daubert issues, gunshot wounds, trajectory and general crime scene investigations and
4 criminal investigations. Mr. Scott will testify substantively about the above subject areas as they
5 relate to the subject crime scene and criminal investigation involving named-victim "RN" and
6 Defendant Ronny Powe. Mr. Scott is expected to testify challenging the investigation and
7 findings made by the Las Vegas Metropolitan Police Department in this matter.

8 DATED this 15 day of March, 2016.

9
10
11 By 

Craig W. Drummond, Esq.
Nevada Bar No. 11109
228 S Fourth Street, First Floor
Las Vegas, NV 89101
Attorney for Defendant Ronny Powe

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9 and Administrative Order 14-2, the undersigned does hereby certify that on this 15 day of March, 2016, service of a true and correct copy of the foregoing DEFENDANT RONNY POWE'S NOTICE OF EXPERT WITENSS was duly made on all parties herein by causing a true copy thereof to be filed and/or served with the Clerk of Court using the Wiznet E-File & Serve system, which was served via electronic transmission per Service List and/or facsimile transmission to the below fax number.

Clark County District Attorney
Tyler D. Smith, Esq.
Deputy District Attorney
F: (702) 477-2910

Nadine Morton, Esq.
11700 W. Charleston Blvd #170-65
Las Vegas, Nevada 89135
F: (702) 435-9828
Attorney for Defendant Thaironya Powe


An Employee of DRUMMOND LAW FIRM

EXHIBIT A



RONALD R. SCOTT, M.A., M.S.
Shooting Reconstruction,
Forensic Firearms & Ballistics
37881 N. 10th Street
Phoenix, Arizona 85086

Tel: 623-764-6371
Email: ronaldscott@azballistics.com

www.azballistics.com
www.forensic-ballistics.com

*Firearms • Ballistics • Police Shootings • Shooting Reconstruction & Investigations
Toolmarks & Comparison Microscopy • Dynamics of Shooting Incidents • Crime Scenes • Gunshot
Distance • Daubert Consultation • Gunshot Wounds • Hunting & Firearms Safety • Trajectory*

Majority of investigations consist of:

- The investigator lacks forensic expertise, the crime scene technicians lacks investigative skills; typically much later a crime lab examiner picks up the evidence from a property room with minimal knowledge, if any, of the details or alleged version of events.
- Tangible and intangible evidence which should have been present at the scene goes unconsidered; critical evidence gets overlooked.
- Result: the investigator, crime scene, and forensics fail to work in unison resulting in a final report abundant with critical flaws and omissions.
- Attorneys/prosecutors do not realize the discrepancies which exist.

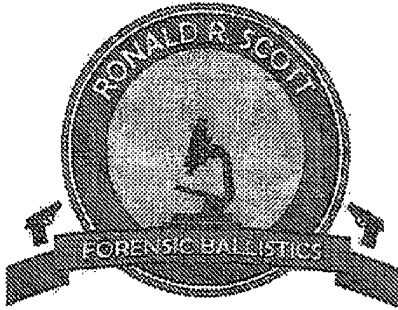
I offer expertise in all three areas for criminal or civil cases based on 25+ years with the Massachusetts State Police conducting and supervising criminal investigations, crime scenes, and forensics with 10 additional years as an independent forensic consultant.

Subspecialize in police shootings, have investigated approximately 125 fatal officer involved and over 200 non-fatal police involved incidents. I was a member of the MSP Firearms Review Board, have conducted internal investigations, and will determine the missing answers since they are commonly not properly investigated.

All types of shooting incidents can be reconstructed; I can address issues which are not commonly considered such as reaction time, free-fall, elapsed time, force, motion, and momentum; distance, gunshot wounds, and analysis of the alleged versions of events to all factors and evidence.

I have been the Commanding Officer of the MSP Ballistics Section, the Troop Shift Commander of 6 barracks, a Staff Inspector, Commander of an urban Boston area State Police Barracks, and Shift Commander of the state-wide Operations Section, and commanded the shift operations of multiple barracks at the troop level.

Military service in the Army Ordnance Corps testing and researching; total experience is almost 50 years in firearms & ballistics; and over 30 years in forensic areas outlined at the top of this page and have testified as an expert approximately 270 times nationally and internationally.



RONALD R. SCOTT, M.A., M.S.
Forensic Firearms & Ballistics
37881 N. 10th Street
Phoenix, Arizona 85086

Tel: 623.764.6371

Email: ronaldscott@azballistics.com

www.azballistics.com

www.forensic-ballistics.com

*Firearms • Ballistics • Police Shootings • Shooting Reconstruction & Investigations
Toolmarks & Comparison Microscopy • Dynamics of Shooting Incidents • Crime Scenes • Gunshot
Distance • Daubert Consultation • Gunshot Wounds • Hunting & Firearms Safety • Trajectory*

Curriculum Vitae

Formal Education:

- 1991 - Master of Science in Management, Lesley College, Cambridge, MA.
- 1982 - Master of Business Administration, 1 year of study in Macroeconomics, Analysis and Policy, Salem State College, Salem, MA.
- 1981 - Master of Arts in Criminal Justice, Anna Maria College, Paxton, MA.
- 1980 - Bachelor of Science Cum Laude, Law Enforcement, Northeastern University, Boston, MA.
- 1979 - Graduate Study Criminal Justice, American International College, Springfield, MA.
- 1978 - Associate in Science, North Shore Community College, Beverly, MA.
- 1967 - 1969 Accounting & Finance, Bentley College, Waltham, MA.

Informal, Technical, Forensic Education/Training:

- 2013 - Class 2 and Class 3 Vendors Exhibition, Phoenix, AZ.
- 2012 - U.S. Department of Justice, NIJ "Forensic Photography".
- 2012 - U.S. Department of Justice, NIJ "Principles & Thought Processes of Crime Scene Investigation".
- 2012 - U.S. Department of Justice, NIJ "Answering the NAS: The Ethics of Leadership and the Leadership of Ethics".
- 2010 - SAR NFA Class 3 Manufacturer's Exhibition, Phoenix, AZ.
- 1993 - Total Quality Management Program - MSP Academy, New Braintree, MA.
- 1991 - Contemporary Liability Issues for Modern Police Agencies, Springfield, MA.
- 1991 - Smith & Wesson Academy, Contemporary Firearms Issues, Springfield, MA.
- 1981 - MIT Leadership Program, Massachusetts Institute of Technology, Sloan School of Business, Cambridge, MA.
- 1981 - Forensic Examination (Medico-Legal) of Violent Death, Babson College, Wellesley, MA.
- 1980 - Bureau of Alcohol, Tobacco, & Firearms, National Firearms Academy, Firearms Examiner Course, Boston, MA.

- 1973 – Massachusetts State Police School of Handguns, Achievement Grade "Master".
- 1973 – Graduate of the Massachusetts State Police Academy (17 weeks curriculum)
- 1969 – 1970 Mechanical Engineering in HVAC, Raisler Corp., Boston, MA.
- 1966 – 1969 Mechanical Engineering Apprentice Program and machinist, GE, Lynn, MA.
- Continuing study in Newtonian Mechanics.
- 1963 – 1966 Ordnance specialist in research, testing, repair, and maintenance U.S. Army including Explosive Ordnance Reconnaissance certification.

Expert Testimony or Significant Casework Venues:

International:

- | | | |
|---------------|---------------|------------------|
| • Afghanistan | • Canada | • United Kingdom |
| • Iraq | • Israel | • Virgin Islands |
| • Nigeria | • Philippines | • Pakistan |

National: Approximately 33 states within the U.S. including multi-cases in several individual states.

Innocence Projects: Medill (Northwestern University), Northern Arizona, Downstate Illinois, Wisconsin (Wisconsin University).

Expertise:

- | | |
|--------------------------------------|--|
| • Police shootings | • Shooting reconstruction |
| • Crime scenes | • Daubert/Frye |
| • Tool mark microscopy | • Shooting dynamics |
| • Reaction time | • Firearms safety |
| • Gunshot wounds | • Theory of Identification |
| • Distance determination testing | • Drag model analysis |
| • Chamber pressure | • Hunting protocol |
| • Defective design | • Time – Speed – Distance |
| • Catastrophic failures | • Kinetic energy calculations |
| • Gyroscopic stability | • Macro measuring digital/mechanical instrumentation |
| • Photomicrographs | • Training |
| • Bullet Drop – Path – Lead | • SmartDraw and/or PowerPoint |
| • Wind deflection and diagramming | • Modified, improvised, full-auto conversions |
| • Discharged cartridge case patterns | • Gunshot distance determination testing |
| • Departmental review evaluation | • Angle of incidence |
| • Prison made firearms | • Velocity testing |

Police Shootings:

Since 1979 I have been involved in the forensic, criminal, or internal investigation of approximately 325 police shootings where the officer either discharged his firearm or was fired upon.

Gunshot Wound Ballistics:

Trained extensively with Drs. George Katsas (Chief Medical Examiner of Suffolk County and Forensic Pathologist at the Southern Mortuary) and Albert Shub (Medical Examiner of Essex County), attended numerous presentations by Drs. Vincent DiMaio, Martin Fackler, and George Katsas.

Made forensic presentations at medical symposiums in MA and NH.

Conducted, supervised, reviewed, or assisted at hundreds of fatal/non-fatal gunshot incidents including wound ballistics interpretation prior to the institution of the modern Medical Examiner system.

Have attended approximately 400 post mortems involving gunshot wounds and trauma.

Specialized Firearms/Ballistics Training:

Armorer courses and/or actual familiarization with manufacturing, design, function at factories for:

- | | | |
|--------------|-------------------|------------------------|
| • Boretta | • Marlin | • Sturm Ruger |
| • Browning | • Mossberg | • Smith & Wesson* |
| • Colt | • Remington | • Thompson Center Arms |
| • Dan Wesson | • Sig-Sauer* | • Winchester |
| • Glock* | • Saco-Maremont** | • Iver Johnson |
| • Ithaca | • Savage Arms | • Gunsmithing |

* Indicates the extended law enforcement armorer course.

** Military M60 GPMG and hammer forging of tank and artillery barrels.

Military - U.S. Army (1963-1966):

- Fort Gordon, GA
- Fort Benning, GA
- Fort Dix, NJ
- US Army Ordnance School, Ft. Dix, NJ
- US Army Small Arms Repair School, Aberdeen Proving Ground, MD
- Aberdeen Proving Ground: ammunition, trajectory, chamber pressure testing; prototypes.
- 2 ½ years with 40th Ordnance Co. researching development of Eastern Bloc weapons.
- Company armorer .50 Cal MG, .45 ACP, M14 and M14A1 Rifles, Thompson .45 ACP.
- Crew chief .50 caliber M2 Browning HB Machine Gun.
- 1965 - Operation "Power Pack" Dominican Republic

Ballistics & Weapons Training/Experience 1963 -present:

- Massachusetts State Police Ballistics Section - Commanding Officer.
- Massachusetts State Police - STOP Team weapons training and evaluation including full automatic, grenade launchers, tear gas, incendiaries,
- Massachusetts State Police - Transitional evaluation & testing of semi-automatic pistols.
- MSP Academy & Department Firearms Training (over 400 hours).

- US Army Natick Research Lab – Ballistic Materials Research and Testing.
- US Army Watertown Arsenal, United States Army Materials and Mechanics Research Center.
- Ft. Devens Special Warfare Weapons Center – 10th Special Forces Group.
- Association of Firearms and Toolmark Examiners.
- IHMSA – Professional Shooting Competition and Firearms Development.
- Ammunition reloading and propellant burn rates.
- Camp Curtis Guild – National Guard Training Facility (Military weapons).
- Camp Edwards – National Guard Training Facility (Military ordnance & firearms).
- Bureau of Alcohol, Tobacco & Firearms National Academy Firearms Examiner Training Course.
- MA Criminal Justice Training Council.
- Continuing research through readings, casework, attendance at scientific meetings.
- National Institute of Justice (NIJ) of the U.S. Department of Justice.
- Triangle Tool and Die, Lynn, MA.

Lectures and Presentations:

Harvard University
Northeastern University
Boston University
District Attorney Seminars/Conferences
American Academy of Forensic Sciences

Massachusetts State Police Academy
Municipal Police Academy
MDC Police Academy
Metro Boston Emergency Medical System
Sportsman's Clubs (Firearms & Hunter Safety)

Other Experiences:

- Extensive reloading knowledge
- Professional shooting awards
- Barrel performance
- Ammunition penetration tests
- Collector & Federal Firearms Dealer
- Mil-Spec Testing
- Less than lethal ammunition
- Built/customized numerous firearms
- Chamber pressure trace testing
- Long-range trajectory testing
- Improvised firearms
- Destructive testing
- Silencers and improvised devices

Publications:

I choose not to engage in written publications.

MASSACHUSETTS STATE POLICE 1973 -1998:

1973: Massachusetts State Police Academy Graduate: 17 Weeks in residence police training course.

1973 – 1979 Field Operations: Criminal/Traffic Investigations, Logan Airport Delta Airlines crash, Boston Busing enforcement, State Prison riots, state forest and game preserves, Salisbury Beach Detail. Senior Trooper on 6-Officer Selective Enforcement "55 Team"; commercial vehicle enforcement, Presidential security, Seabrook Nuclear Power Plant, sporting events, crisis response, major traffic incidents, local police assistance, Executive Security, criminal investigations, crime scenes, and special assignments.

1979 - 1992: Ballistics Section: Commanding Officer of two labs, trained 5 additional firearms experts. Conducted forensic investigations statewide and out-of-state. Combined labs averaged 1500-1700 cases annually for fatal, non-fatal, accidental, defective design, malfunctions, voluntary/involuntary, toolmark macroscopy, gunshot distance determination, trajectory, crime scenes, autopsies, wound interpretation, shooting reconstruction, firearms safety, ballistics, improvised and prison made firearms, modified and altered full auto, catastrophic failures, pen guns, police procedures. Conducted agency transitional firearms evaluation testing 1987-88. Member of Firearms Review Board. Shooting investigations and reconstruction of incidents involving organized crime, bank and armored vehicle robberies, officer involved shooting incidents, hunting incidents.

1992: Shift Commander "GHO": General Headquarters Operations Section. Supervised statewide troop operations, 911 system, communications system, special investigations, consolidation of police forces, authorized and coordinated the use and response of department services to State Police entities, local cities and towns.

1992 - 1995: Shift Commander Troop "H": Supervised 4 barracks covering metropolitan Boston. Special advisor on the Consolidation of Police Forces. Training Coordinator for new Officers; department internal investigations, commanded special details (sports events, etc.)

1995: Shift Commander Troop "A": Supervised 6 barracks responsible for northeast quadrant of Massachusetts. Training Coordinator for new Officers; department internal investigations, commanded special details (sports events, etc.)

1995 - 1997: Commanding Officer-Revere Barracks: Responsible for 65-officer municipal oriented policing operation covering cities of Lynn, Nahant, Chelsea, E. Boston, Winthrop, and Revere. Gang activities. Specialized units included motorcycles, off-road and beach patrols, K-9, Mounted Unit. Primary jurisdiction on state and MDC beaches, parks, roads and waterways.

1997: Shift Commander Troop "A": Supervised 6 barracks responsible for northeast quadrant of Massachusetts. Training Coordinator for new Officers, department internal investigations, commanded special details (sporting events, etc.).

1997-1998: Staff Inspector: Conducted investigations involving ethics, misconduct, use of force, shooting investigations, audits of drugs, cash, evidence, contraband, security and special investigations. Unannounced inspections of personnel and equipment. Reported directly to Superintendent/Colonel of State Police.

1973-1998: Annual In-Service: Various annual certifications and non-certification areas; CPR recertification, law updates, firearms training and qualification, pursuit and high speed driving, skid pan, physical agility, policy and procedure, rules and regulations, ethics, etc.

1967-1973

- Mechanical Engineering Apprentice Program, General Electric, Lynn, MA. Jet engine fabrication, assembly, and inspection.
- Mechanical Engineering (on-site) apprenticeship for Raisler-Lappin Corp., A Joint Venture, at the NEMNB 37-story office building, Boston, MA.

- Senior accountant and auditor, O.C. Moyer & Co, Certified Public Accountants, Boston, MA. Medium sized local public accounting firm providing financial services to professional athletes, corporations, and non-profit entities.
- Senior auditor and accountant at B&L Management Co., Somerville, MA. Firm specialized in capital venture, investment, development, and management of land, nursing homes, management companies in New England.

Professional Organizations and Societies:

- American Academy of Forensic Sciences (AAFS).
- International Association for Identification (IAI).
- International Association of Chiefs of Police (IACP).
- American Association for the Advancement of Science (AAAS).
- On-Call Scientists of the American Association for the Advancement of Science.
- Association of Firearms and Toolmark Examiners (AFTE) – (Former member.)
- American Society of Criminology (ASC). (Former member.)
- NRA – Life Member.
- Sigma Epsilon Rho Honor Society.

Ancillary Education:

- Massachusetts Institute of Technology, OpenCourseware, "For the Love of Physics", Professor Walter Lewin.
- Massachusetts Institute of Technology, OpenCourseware, "Introduction to Kinematics", Professor Walter Lewin.
- Yale University Lecture Series, Fundamentals of Physics, "Vectors in Multiple Dimensions", Professor Ramanurti Shankar.

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

Ronny D. Powe #1415128

Defendant

) Case No.: C-15-308371-1

) Dept. No.: XII

) Docket No.: _____

) Hearing Date: 12-8-16

Electronically Filed
11/17/2016 09:49:13 AM

CLERK OF THE COURT

Time: 8:30am

Motion to dismiss Counsel And appoint Alternate Counsel

Comes Now, the Defendant Ronny D Powe #1415128 and moves this Honorable Court to Dismiss Counsel, Craig Drumman and appoint other Counsel to represent Defendant.

This Motion is based upon all papers, pleadings and documents on file
Factual statement are set forth in the Points and Authorities contained therein

Dated this day of 2016

Points And Authorities

It is respectfully requested of this court to grant this motion to dismiss Counsel and appoint other Counsel for the reasons listed below

I Procedural Background and Factual Summary

Since Craig Drumman was appointed Counsel in June 2015 Ronny Powe #1415128 has been prejudiced and suffered manifest injustice based on Counsel's

RECEIVED

NOV 14 2016

CLERK OF THE COURT

MC
DA
PP
ADR
Drummond

CLERK OF THE COURT
NOV 17 2016
#53

1 refusal or failure to

2 ① Communicate With Defendant on a regular bases

3 ② file appropriate motions in a timely manner

4 ③ Convey to the defendant offers made by the prosecution

5 II ARGUMENT

6 Defendant Ronny Powe #1485128 asserts he is being denied his right
7 to effective representation due to wholly inadequate actions of his Court
8 appointed Counsel. Further, Counsel's actions constitute a violation of the
9 defendant's due process rights.

10 Defendant has an unqualified right to legal
11 assistance that expresses loyalty to said defendant "The right to Counsel
12 is the right also to effective assistance of counsel" *Cuyler v. Sullivan*, 100 S.Ct.
13 1708 (1980) and *Frazier v. United States*, 18 F.3d 778 (9th Cir. 1994) Thus the
14 adversarial process protected by the sixth amendment requires that the accused
15 have "Counsel acting in the role of an advocate." *Anders v. California*, 87
16 S.Ct. 1396 (1967) "If the Complete Collapse of the attorney client relationship
17 is evident, a refusal to substitute Counsel violates a defendant's sixth
18 amendment rights." *Young v. State*, 120 Nev 963 (2004). A Complete Collapse
19 has occurred. Mr Drummon has lost all trust due to his refusal to file
20 the very important brady motion that could possibly set me free. The Defendant
21 has left numerous messages with Mr Drummon's secretary to no avail also
22 on October 10 2016 Mr Drummon's investigator came to visit the Defendant
23 leaving with a promise to relay the message to Mr Drummon to file
24 the motion to no avail. Also on Tuesday October 25 2016 Mr Drummon
25 went on record in Judge Herndon's 9:00am docket as A Fill in for the

1 District attorney's office. Now that brings A Complete lack of trust showing
2 the Defendant that its possible that Mr Drummond Sometimes works
3 with the Same District Attorney's office who is prosecuting the Defendant
4 with that Mr Ronny Powe does not trust Mr Craig Drummond At All.

5
6 WHEREFORE the undersigned prays that the Court grants this motion
7 to dismiss Counsel and appoint other Counsel for Defendant
8
9
10
11
12
13
14
15

16 DATED THIS 8 day of Nov., 2016.

17 I, Ronny D Powe #1415128, do

18 solemnly swear, under the penalty of perjury, that

19 the above motion to dismiss and appoint alternate Counsel is accurate,

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

21 NRS 171.102 and NRS 208.165.

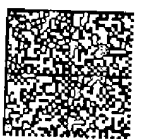
22 Respectfully submitted,

23
24
25 Defendant

R Powe

Ronny D. Pove 1415128
Clark County Detention Ctr.,
330 S. Casino Ctr. Bldg.
Las Vegas NV, 89101

Clerk of Courts
Regional Justice Center
200 Lewis Ave 3rd Floor
Las Vegas NV, 89155



UNITED STATES POSTAGE
FIRST CLASS
\$001.150
0000830502
02 1P
MAILED FROM ZIP CODE 89101


CLERK OF THE COURT

SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TYLER D. SMITH
Chief Deputy District Attorney
Nevada Bar #011870
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-

RONNY POWE, aka,
Ronny Darrow Powe, #1415128,
Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

SUPPLEMENTAL NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

TO: RONNY POWE, aka, Ronny Darrow Powe, Defendant; and

TO: CRAIG DRUMMOND, ESQ., Counsel of Record:

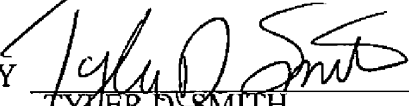
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
AUTEN, I.	LVMPD #7938
EAGAN, L.	LVMPD #7860
LEMARBRE, J.	LVMPD #13382
LOPEZ, C.	LVMPD #6958
MCCARTIN, Z.	LVMPD #13956
RANDALL, C.	LVMPD #13427
*SEDMINIK, G.	LVMPD #5634

1 ZINGELMAN, M. LVMPD #14791

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

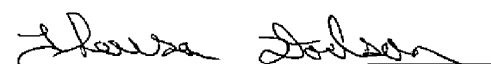
5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY 
9 TYLER D. SMITH
10 Deputy District Attorney
11 Nevada Bar #011870

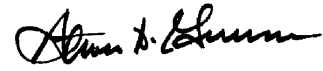
12 CERTIFICATE OF FACSIMILE TRANSMISSION

13 I hereby certify that service of Supplemental Notice of Witnesses, was made this
14 20th day of December, 2016, by facsimile transmission to:

15 CRAIG DRUMMOND, ESQ.
16 FAX #702-508-9440

17 BY: 
18 Theresa Dodson
19 Secretary for the District Attorney's Office

20
21
22
23
24
25
26
27
28 td/dvu



CLERK OF THE COURT

1 **SLOW**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TYLER D. SMITH
6 Chief Deputy District Attorney
7 Nevada Bar #011870
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

15 SECOND SUPPLEMENTAL NOTICE OF WITNESSES
16 [NRS 174.234(1)(a)]

17 TO: RONNY POWE, aka, Ronny Darrow Powe, Defendant; and

18 TO: CRAIG DRUMMOND, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses in its case in chief:

21 NAME

ADDRESS

22 AUTEN, I.

LVMPD #7938

23 *CUSTODIAN OF RECORDS

ST. ROSE DOMINICAN HOSPITAL –
SIENA CAMPUS

24
25 EAGAN, L.

LVMPD #7860

26 LEMARBRE, J.

LVMPD #13382

27 LOPEZ, C.

LVMPD #6958


28 MCCARTIN, Z.

LVMPD #13956

1 RANDALL, C. LVMPD #13427
2 SEDMINIK, G. LVMPD #5634
3 ZINGELMAN, M. LVMPD #14791

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

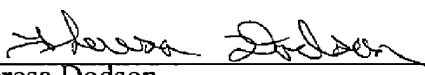
7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY 
11 TYLER D. SMITH
12 Deputy District Attorney
Nevada Bar #011870

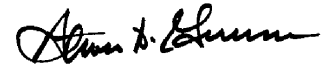
13 CERTIFICATE OF FACSIMILE TRANSMISSION

14 I hereby certify that service of Second Supplemental Notice of Witnesses, was made
15 this 20th day of December, 2016, by facsimile transmission to:

16 CRAIG DRUMMOND, ESQ.
17 FAX #702-508-9440

18 BY: 
19 Theresa Dodson
20 Secretary for the District Attorney's Office

21
22
23
24
25
26
27
28 td/dvu



CLERK OF THE COURT

1 **NOTC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TYLER D. SMITH
6 Chief Deputy District Attorney
7 Nevada Bar #011870
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

15 NOTICE OF INTENT TO INTRODUCE RECORDS MADE IN THE COURSE OF A
16 REGULARLY CONDUCTED ACTIVITY
[NRS 52.260]

17 TO: RONNY POWE, aka, Ronny Darrow Powe, Defendant; and

18 TO: CRAIG DRUMMOND, ESQ, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to introduce into evidence at trial the following records made in the course
21 of a regularly conducted activity and accompanying affidavit from the custodian of records:

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 (1) Any and all medical records concerning the diagnosis, prognosis, and/or treatment of
2 RANETTE MARTIN, whose date of birth is December 27, 1980, at ST. ROSE
3 DOMINICAN HOSPITAL – SIENA CAMPUS on or about June 17, 2015 through June
4 22, 2015.

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

7
8 BY: 

TYLER D. SMITH
Chief Deputy District Attorney
Nevada Bar #011870

11 CERTIFICATE OF MAILING

12 I hereby certify that service of the above and foregoing Notice of Intent to Introduce
13 Records Made in the Course of a Regularly Conducted Activity was made this 20th day of
14 December, 2016, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

15 Craig Drummond, Esq.
16 228 South Fourth Street, First Floor
Las Vegas, Nevada, 89101

17
18 BY: 

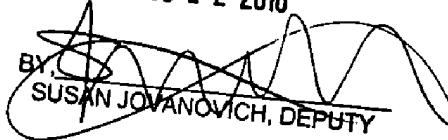
Theresa Dodson
Secretary for the District Attorney's Office

19
20
21
22
23
24
25
26
27
28 TDS/td/dvu

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TYLER D. SMITH
6 Deputy District Attorney
7 Nevada Bar #011870
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

DEC 22 2016

BY: 
SUSAN JOVANOVIICH, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-15-308371-1
AINF
Amended Information
4808281



9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

CASE NO. C-15-308371-1

DEPT NO. XII

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 RONNY POWE, aka, Ronny Darrow Powe, the Defendant(s) above named,
20 having committed the crime of **FIRST DEGREE KIDNAPPING WITH USE OF A**
21 **DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055)**,
22 on or about the 16th day of June, 2015, within the County of Clark, State of Nevada, contrary
23 to the form, force and effect of statutes in such cases made and provided, and against the peace
24 and dignity of the State of Nevada, did together with THARONYA BREINNE POWE, aka,
25 Thaironya Breienne Powe willfully, unlawfully, and feloniously, seize, confine, inveigle,
26 entice, decoy, abduct, conceal, kidnap, or carry away RANETTE MARTIN, a human being,
27 with the intent to hold or detain the said RANETTE MARTIN against her will, and without
28 her consent, for the purpose of killing and/or inflicting substantial bodily harm, with use of a

1 deadly weapon, to-wit: a a hammer and/or handgun and/or gasoline and fire; the Defendants
2 being criminally liable under one or more of the following principles of criminal liability, to-
3 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
4 of this crime, with the intent that this crime be committed, by counseling, encouraging,
5 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
6 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
7 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering
8 into a course of conduct whereby Defendant RONNY POWE placed RANETTE MARTIN in
9 a chokehold and dragged her into the garage and Defendant THAIRONYA BREINNE POWE
10 prevented RANETTE MARTIN from escaping by punching her and then confined her in the
11 garage by closing the door, Defendant THAIRONYA BREINNE POWE struck RANETTE
12 MARTIN about the head and body and then duct taped RANETTE MARTIN'S ankles,
13 thereafter Defendant RONNY POWE duct taped RANETTE MARTIN'S wrists and struck her
14 on the head with a hammer and/or struck her in the mouth with a handgun and/or set her on
15 fire, thereafter Defendant RONNY POWE shot her in the knee, Defendant THAIRONYA
16 BREINNE POWE acting as confederate and/or lookout throughout, Defendants acting in
17 concert throughout.

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

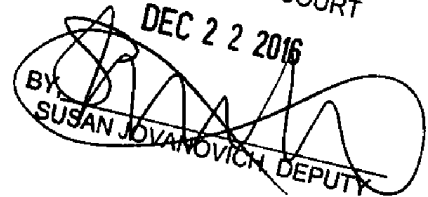
20
21 BY


22 TYLER D. SMITH
23 Deputy District Attorney
Nevada Bar #011870

24
25
26
27 DA#15F08992X/td/dvu
28 LVMPD EV#1506172303
(TK3)

1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TYLER D. SMITH
6 Deputy District Attorney
7 Nevada Bar #011870
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

DEC 22 2016
BY  SUSAN JOVANOVIĆ, DEPUTY

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

C-15-308371-1
GPA
Guilty Plea Agreement
4609282



9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: **FIRST DEGREE KIDNAPPING WITH USE OF**
17 **A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC**
18 **50055)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

19 My decision to plead guilty is based upon the plea agreement in this case which is as
20 follows:

21 Both parties stipulate to a sentence of FIVE (5) years to Life in the Nevada Department
22 of Corrections (NDOC) on the count of First Degree Kidnapping. Both parties stipulate to a
23 sentence of FIVE (5) years to TWELVE AND ONE-HALF (12 1/2) years in the Nevada
24 Department of Corrections (NDOC) on the Deadly Weapon enhancement.

25 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
26 and/or impounded in connection with the instant case and/or any other case negotiated in
27 whole or in part in conjunction with this plea agreement.

28 I understand and agree that, if I fail to interview with the Department of Parole and

1 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
2 by affidavit review, confirms probable cause against me for new criminal charges including
3 reckless driving or DUI, but excluding minor traffic violations, the State will have the
4 unqualified right to argue for any legal sentence and term of confinement allowable for the
5 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
6 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
7 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
8 twenty-five (25) year term with the possibility of parole after ten (10) years.

9 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
10 plea agreement.

11 CONSEQUENCES OF THE PLEA

12 I understand that by pleading guilty I admit the facts which support all the elements of
13 the offense(s) to which I now plead as set forth in Exhibit "1".

14 I understand that as a consequence of my plea of guilty the Court must sentence me to
15 imprisonment in the Nevada State Prison for life with possibility of parole with eligibility for
16 parole beginning at FIVE (5) years OR definite term of FIFTEEN (15) years with eligibility
17 for parole beginning at FIVE (5) years, plus a consecutive minimum term of not less than ONE
18 (1) year and a maximum term of not more than TWENTY (20) years for the use of the deadly
19 weapon enhancement. I understand that the law requires me to pay an Administrative
20 Assessment Fee.

21 I understand that, if appropriate, I will be ordered to make restitution to the victim of
22 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
23 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
24 reimburse the State of Nevada for any expenses related to my extradition, if any.

25 I understand that I am not eligible for probation for the offense to which I am pleading
26 guilty.

27 I understand that I must submit to blood and/or saliva tests under the Direction of the
28 Division of Parole and Probation to determine genetic markers and/or secretor status.

1 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
2 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
3 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
4 and may receive a higher sentencing range.

5 I understand that if more than one sentence of imprisonment is imposed and I am
6 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
7 the sentences served concurrently or consecutively.

8 I understand that information regarding charges not filed, dismissed charges, or charges
9 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

10 I have not been promised or guaranteed any particular sentence by anyone. I know that
11 my sentence is to be determined by the Court within the limits prescribed by statute.

12 I understand that if my attorney or the State of Nevada or both recommend any specific
13 punishment to the Court, the Court is not obligated to accept the recommendation.

14 I understand that if the offense(s) to which I am pleading guilty was committed while I
15 was incarcerated on another charge or while I was on probation or parole that I am not eligible
16 for credit for time served toward the instant offense(s).

17 I understand that if I am not a United States citizen, any criminal conviction will likely
18 result in serious negative immigration consequences including but not limited to:

- 19 1. The removal from the United States through deportation;
- 20 2. An inability to reenter the United States;
- 21 3. The inability to gain United States citizenship or legal residency;
- 22 4. An inability to renew and/or retain any legal residency status; and/or
- 23 5. An indeterminate term of confinement, with the United States Federal
24 Government based on my conviction and immigration status.

25 Regardless of what I have been told by any attorney, no one can promise me that this
26 conviction will not result in negative immigration consequences and/or impact my ability to
27 become a United States citizen and/or a legal resident.

28 I understand that the Division of Parole and Probation will prepare a report for the

1 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
2 sentencing, including my criminal history. This report may contain hearsay information
3 regarding my background and criminal history. My attorney and I will each have the
4 opportunity to comment on the information contained in the report at the time of sentencing.
5 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
6 comment on this report.

7 WAIVER OF RIGHTS

8 By entering my plea of guilty, I understand that I am waiving and forever giving up the
9 following rights and privileges:

- 10 1. The constitutional privilege against self-incrimination, including the right
11 to refuse to testify at trial, in which event the prosecution would not be
allowed to comment to the jury about my refusal to testify.
- 12 2. The constitutional right to a speedy and public trial by an impartial jury,
13 free of excessive pretrial publicity prejudicial to the defense, at which
14 trial I would be entitled to the assistance of an attorney, either appointed
or retained. At trial the State would bear the burden of proving beyond
a reasonable doubt each element of the offense(s) charged.
- 15 3. The constitutional right to confront and cross-examine any witnesses who
16 would testify against me.
- 17 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 18 5. The constitutional right to testify in my own defense.
- 19 6. The right to appeal the conviction with the assistance of an attorney,
20 either appointed or retained, unless specifically reserved in writing and
21 agreed upon as provided in NRS 174.035(3). I understand this means I
22 am unconditionally waiving my right to a direct appeal of this conviction,
including any challenge based upon reasonable constitutional,
23 jurisdictional or other grounds that challenge the legality of the
proceedings as stated in NRS 177.015(4). However, I remain free to
challenge my conviction through other post-conviction remedies
including a habeas corpus petition pursuant to NRS Chapter 34.

24 VOLUNTARINESS OF PLEA

25 I have discussed the elements of all of the original charge(s) against me with my
26 attorney and I understand the nature of the charge(s) against me.

27 I understand that the State would have to prove each element of the charge(s) against
28 me at trial.

1 I have discussed with my attorney any possible defenses, defense strategies and
2 circumstances which might be in my favor.

3 All of the foregoing elements, consequences, rights, and waiver of rights have been
4 thoroughly explained to me by my attorney.


5 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
6 that a trial would be contrary to my best interest.

7 I am signing this agreement voluntarily, after consultation with my attorney, and I am
8 not acting under duress or coercion or by virtue of any promises of leniency, except for those
9 set forth in this agreement.

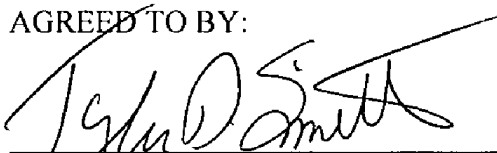
10 I am not now under the influence of any intoxicating liquor, a controlled substance or
11 other drug which would in any manner impair my ability to comprehend or understand this
12 agreement or the proceedings surrounding my entry of this plea.

13 My attorney has answered all my questions regarding this guilty plea agreement and its
14 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

15 DATED this 22 day of ~~October~~, 2016.
16 December

17 
18 _____
19 RONNY POWE, aka,
20 Ronny Darrow Powe
21 Defendant

22 AGREED TO BY:

23 
24 _____
25 TYLER D. SMITH
26 Deputy District Attorney
27 Nevada Bar #011870
28

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
- 12 a. The removal from the United States through deportation;
- 13 b. An inability to reenter the United States;
- 14 c. The inability to gain United States citizenship or legal residency;
- 15 d. An inability to renew and/or retain any legal residency status; and/or
- 16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.
- 18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.
- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
- 25 5. To the best of my knowledge and belief, the Defendant:
- 26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
- 28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
- c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 22 day of ~~October~~, 2016.

December


ATTORNEY FOR DEFENDANT

td/dvu

1 **AINF**
2 **STEVEN B. WOLFSON**
3 Clark County District Attorney
4 Nevada Bar #001565
5 **TYLER D. SMITH**
6 Deputy District Attorney
7 Nevada Bar #011870
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 **RONNY POWE, aka,**
13 **Ronny Darrow Powe, #1415128,**

14 Defendant.

CASE NO. C-15-308371-1

DEPT NO. XII

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:

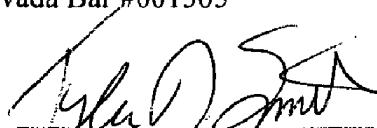
19 That RONNY POWE, aka, Ronny Darrow Powe, the Defendant(s) above named,
20 having committed the crime of **FIRST DEGREE KIDNAPPING WITH USE OF A**
21 **DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055),**
22 on or about the 16th day of June, 2015, within the County of Clark, State of Nevada, contrary
23 to the form, force and effect of statutes in such cases made and provided, and against the peace
24 and dignity of the State of Nevada, did together with THARONYA BREINNE POWE, aka,
25 Thaironya Breienne Powe willfully, unlawfully, and feloniously, seize, confine, inveigle,
26 entice, decoy, abduct, conceal, kidnap, or carry away RANETTE MARTIN, a human being,
27 with the intent to hold or detain the said RANETTE MARTIN against her will, and without
28 her consent, for the purpose of killing and/or inflicting substantial bodily harm, with use of a

EXHIBIT "1"

w:\2015\2015F\089\92\15F08992-AINF-(Powe__Ronny)-001.docx

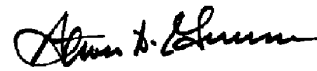
1 deadly weapon, to-wit: a a hammer and/or handgun and/or gasoline and fire; the Defendants
2 being criminally liable under one or more of the following principles of criminal liability, to-
3 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
4 of this crime, with the intent that this crime be committed, by counseling, encouraging,
5 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
6 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
7 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering
8 into a course of conduct whereby Defendant RONNY POWE placed RANETTE MARTIN in
9 a chokehold and dragged her into the garage and Defendant THAIRONYA BREINNE POWE
10 prevented RANETTE MARTIN from escaping by punching her and then confined her in the
11 garage by closing the door, Defendant THAIRONYA BREINNE POWE struck RANETTE
12 MARTIN about the head and body and then duct taped RANETTE MARTIN'S ankles,
13 thereafter Defendant RONNY POWE duct taped RANETTE MARTIN'S wrists and struck her
14 on the head with a hammer and/or struck her in the mouth with a handgun and/or set her on
15 fire, thereafter Defendant RONNY POWE shot her in the knee, Defendant THAIRONYA
16 BREINNE POWE acting as confederate and/or lookout throughout, Defendants acting in
17 concert throughout.

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

20
21 BY 
22 TYLER D. SMITH
23 Deputy District Attorney
Nevada Bar #011870

24
25
26
27 DA#15F08992X/td/dvu
28 LVMPD EV#1506172303
(TK3)

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
116 - 123
WILL FOLLOW VIA
U.S. MAIL



CLERK OF THE COURT

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONNY POWE aka
Ronny Darrow Powe
#1415128

Defendant.

CASE NO. C308371-1

DEPT. NO. XII

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; thereafter, on the 14th day of February, 2017, the Defendant was present in court for sentencing with counsel CRAIG DRUMMOND, ESQ., and good cause appearing,


RECEIVED

FEB 16 2017

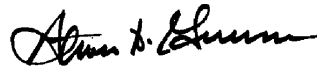
DEPT. 12

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in
2 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee
3 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
4 Defendant is sentenced as follows: LIFE with the eligibility for parole after serving a
5 MINIMUM of FIVE (5) YEARS plus a CONSECUTIVE term of ONE HUNDRED FIFTY
6 (150) MONTHS with a MINIMUM parole eligibility of SIXTY (60) MONTHS for the Use
7 of a Deadly Weapon; in the Nevada Department of Corrections (NDC); with SIX
8 HUNDRED NINE (609) DAYS credit for time served. The AGGREGATE TOTAL
9 sentence is LIFE with a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS.
10
11

12 DATED this 16th day of February, 2017.
13
14

15
16 
17 MICHELLE LEAVITT SJ
18 DISTRICT COURT JUDGE
19
20
21
22
23
24
25
26
27
28

1 COSCC



CLERK OF THE COURT

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 * * * *

7 STATE OF NEVADA

CASE NO.: C-15-308371-1

8 VS

DEPARTMENT 12

9 RONNY POWE

10
11 CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

12 Upon review of this matter and good cause appearing,

13 IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
14 statistically close this case for the following reason:

15 DISPOSITIONS:

- 16 ☐ Nolle Prosequi (before trial)
17 ☐ Dismissed (after diversion)
18 ☐ Dismissed (before trial)
19 ☒ Guilty Plea with Sentence (before trial)
20 ☐ Transferred (before/during trial)
21 ☐ Bench (Non-Jury) Trial
22 ☐ Dismissed (during trial)
23 ☐ Acquittal
24 ☐ Guilty Plea with Sentence (during trial)
25 ☐ Conviction
26 ☐ Jury Trial
27 ☐ Dismissed (during trial)
28 ☐ Acquittal
☐ Guilty Plea with Sentence (during trial)
☐ Conviction
☐ Other Manner of Disposition

26 DATED this 21 day of February, 2017.


MICHELLE LEAVITT
DISTRICT COURT JUDGE


MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS, NEVADA 89155

Ann L. Blum

CLERK OF THE COURT

1.

2.

3.

THE STATE OF NEVADA

CASE NO. C-15-308371-1

4.

PLAINTIFF

DEPT. 12

5.

-VS-

6.

Ronny D. Powe

7.

8.

NOTICE OF APPEAL

9.

COMES - NOW - DEFENDANT Ronny D. Powe, MOVES

10.

FOR ORDER APPEALING DISTRICT COURT ORDER

11.

GRANTING OR DENYING MOTION FOR HOUSE

12.

ARREST, WHERE DEFENDANT Ronny D. Powe

13.

APPEALS IN DISTRICT COURT DEPT-NO. 12 ON

14.

6/30/15 DEFENDANT Ronny D. Powe CONTENDS

15.

HE NEVER RECEIVED NOTICE OF, IN WHICH

16.

DEFENDANT RONNY D. Powe SUBJECTS SUCH

17.

ORDER IS VOID FOR LACK OF JURISDICTION

18.

DUE TO THE EXPIRATION OF STATUTORY

19.

TIME LIMIT. DEFENDANT Ronny D. Powe

20.

SEEKS SUCH REVIEW FROM THE APPELATE

21.

COMPOTENT JURISDICTION

22.

23.

Ronny D. Powe

24.

SUBMITTED 4/9/17

25.

26.

RECEIVED

27.

APR 13 2017 #24

28.

CLERK OF THE COURT

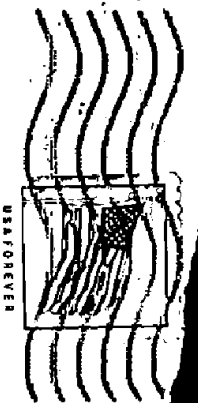
29.

30.

(2)

Ronny Powe 1173457-
High Desert State Prison
P.O. Box 650
Indian Springs, Nv. 89070-0650

LAS VEGAS NV 890
11 APR 2017 PM 5 L



Clerk of the Court
200 LEWIS AVE.
Las Vegas, NV. 89155

89101-630000



HIGH DESERT STATE PRISON
APR 16
--TRATT 2 CID--

1 ASTA

2
3 Electronically Filed
04/14/2017

4 
5 CLERK OF THE COURT

6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 RONNY POWE aka RONNY DARROW POWE,

13 Defendant(s),
14

Case No: C-15-308371-1

Dept No: XII

15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): Ronny D. Powe

19 2. Judge: Michelle Leavitt

20 3. Appellant(s): Ronny D. Powe

21 Counsel:

22 Ronny D. Powe #1173457
23 P.O. Box 650
24 Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Appellant Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: July 29, 2015

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Unknown

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 14 day of April 2017.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Ronny D. Powe

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 72840
District Court Case No. C308371

FILED

JUN 20 2017

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 19th day of May, 2017.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
June 14, 2017.

Elizabeth A. Brown, Supreme Court Clerk

By: Dana Richards
Deputy Clerk

C - 15 - 308371 - 1
CCJD
NV Supreme Court Clerks Certificate/Judgm
4659243



IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72840

FILED

MAY 19 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a judgment of conviction. This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on February 17, 2017. Appellant did not file the notice of appeal, however, until April 13, 2017, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

J. Hardesty
Hardesty

Parraguirre
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Michelle Leavitt, District Judge
Ronny Darrow Powe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: June 14, 2017

Supreme Court Clerk, State of Nevada

By D. Richards Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 72840
District Court Case No. C308371

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: June 14, 2017

Elizabeth A. Brown, Clerk of Court

By: Dana Richards
Deputy Clerk

cc (without enclosures):

Hon. Michelle Leavitt, District Judge
Ronny Darrow Powe
Clark County District Attorney
Attorney General/Carson City

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on JUN 20 2017.

HEATHER UNGERMANN

Deputy _____
District Court Clerk

RECEIVED

JUN 16 2017

CLERK OF THE COURT

LSF

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

DISTRICT COURT
CLARK COUNTY, NEVADA

C-15-308371-1
LSF
Left Side Filing
4702364



THE STATE OF NEVADA,
Plaintiff →
vs.
Ronny D. Poulé,
Defendant,

Case No. C-15-308371-1
Dept. No. 12
Docket _____

ORDER

Upon reading the motion of defendant, _____, requesting
withdrawal of counsel, _____, Esq., of the Clark county Public
Defender's Office, and Good Cause Appearing,

IT IS HEREBY ORDERED that defendant's Motion for Withdrawal of Counsel is
GRANTED.

IT IS HEREBY FURTHER ORDERED that Counsel deliver to defendant at his address, all
documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

DATED and DONE this ____ day of _____, 20__.

DISTRICT COURT JUDGE

RECEIVED

DEC 04 2017

CLERK OF DISTRICT COURT

27

1 Ronny D. Poule #1173457
/ In Propria Personam
2 Post Office Box 650 [HDSP]
3 Indian Springs, Nevada 89018
4
5

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

8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 Ronny D. Poule
12 Defendant,

Case No. C-15-308371-1

Dept No. 12

Docket _____

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** Motion to Withdraw
16 Counsel

17 will come on for hearing before the above-entitled Court on the 02 day of January, 20 18,
18 at the hour of 8:30 o'clock A. M. In Department 12, of said Court.
19

20 CC:FILE

21 **DATED:** this 29 day of 11, 20 17.

22 BY: R.D. Poule
23 Ronny D. Poule #1173457#
24 /In Propria Personam
25
26
27
28

RECEIVED
DEC 06 2017

RECEIVED
DEC 04 2017

CLERK OF THE COURT
CLERK OF THE COURT

1 Ronny D. Poule #1173457
2 /In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

Steven D. Grierson

5 IN THE 8TH JUDICIAL DISTRICT COURT OF THE
6 STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

7
8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 Ronny D. Poule
12 Defendant,

Case No. C-15-308371-1

Dept. No. 12

Docket _____

13
14 **MOTION TO WITHDRAW COUNSEL**

15 Date of Hearing: 01/02/18

16 Time of Hearing: 8:30 AM

17 'ORAL ARGUMENT REQUESTED, Yes _____ No _____'

18 COMES NOW, Defendant, Ronny D. Poule, proceeding in proper person,
19 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel
20 of record in the proceeding action, namely,

21 CRAIG W. DRUMMOND

22 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
23 which are hereby incorporated by this reference, the Points and Authorities herein, and attached
24 Affidavit of Defendant.

25 DATED: this 29 day of 11, 2017.

26 BY:

R. Poule
Ronny D. Poule #1173457
/In Propria Personam

MR
DA
PO

RECEIVED
DEC 05 2017

RECEIVED
DEC 04 2017

CLERK OF THE COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

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

POINTS AND AUTHORITIES

NRS 7.055 states in pertinent part:

1. An attorney who has been discharged by his client shall upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.
2. ... If the court finds that an attorney has, without just cause, refused or neglected to obey its order given under this section, the court may, after notice and fine or imprison him until the contempt purged. If the court finds that the attorney has, without just cause, withheld the client's papers, documents, pleadings, or other property, the attorney is liable for costs and attorney's fees.

Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant does not owe counsel any fees.

WHEREFORE, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other tangible property which belong to or were prepared for the Defendant to allow Defendant the proper assistance that is needed to insure that justice is served.

DATED: this 29 day of 11, 2017.

Respectfully submitted,

BY: RDAwle
Ronny D. Rowe #1173457#
/In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

NAME: Ronny D. Powe # 1173457

HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

DATE: 11-29-2017

TO: CRAIG W. DRUMMOND

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C-15-308371-1

DEPT. NO.: 12

CASE NAME: POWE VERSUS STATE

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

R.D. Powe

////

////

RECEIVED
DEC 04 2017

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Ronny D. Powe, hereby certify, pursuant to NRCP 5(b), that on this 29
day of 11, 2017 I mailed a true and correct copy of the foregoing, "Motion
to Withdraw Counsel."

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Steven D. Wolfson
200 Lewis Ave.
Las Vegas, NV 89155-2212

Brian Williams-Warden
P.O. Box 650
Indian Springs, NV 89070

Steven D. Grierson
200 Lewis Ave. 3rd Floor
Las Vegas, NV 89155-1160

CC:FILE

DATED: this 29 day of 11, 2017

R.D. Powe
Ronny D. Powe 1173457 #
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion to Withdraw Counsel
(Title of Document)

filed in District Court Case number C-15-308371-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

X P.D. Bove
Signature

11/29/2017
Date

Bonny D. Bove
Print Name

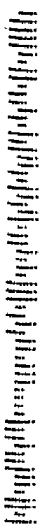
Title

Ronny D. Rowe 1173457
HDSP P.O. Box 650
Indian Springs, NV. 89070

Steven D. Grierson, clerk of the Court
200 Lewis Ave. 3rd Floor
Las Vegas, NV. 89155-1160



1173457 HDSP P.O. Box 650



1173457

1173457

Steven D. Grierson

PP
DA
MC

IN THE 8TH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

RONNY POWE,
Plaintiff,

CASE No. C-15-308371-1
Dept. No. XII

V.

Hearing Date: 3-15-18

STATE OF NEVADA,
Respondent.

Time: 8:30am

NOTICE OF MOTION

MOTION FOR MODIFICATION OF SENTENCE

Comes Now, Plaintiff, Ronny Powe, Pao Se,
And Respectfully moves This Honorable Court For
A modification of Sentence.

This motion is made and Based Pursuant
To The Supporting Points And Authorities
Attached Hereto, NRS 176.033 and NRS 176A.
450, As well As All Papers, Pleadings, And
Documents on File Herein.

CLERK OF THE COURT

RECEIVED
FEB 21 2018

RECEIVED

FEB 13 2018

CLERK OF THE COURT

POINTS AND AUTHORITIES

I. STANDARD OF REVIEW

The Nevada Supreme Court has long recognized that courts have the power and jurisdiction to modify a sentence. See, Staley v. State, 787 P2d 396, 106 Nev. 75 (1990):

" . . . That if a sentencing court pronounces sentence within statutory limits, the courts will have jurisdiction to modify, suspend or otherwise correct that sentence if it is based upon materially untrue assumptions or mistakes which work to the extreme detriment of the defendant. *Id.*

Plaintiff believes that this court has, based upon Staley, the jurisdiction to modify his sentence, due to the sentence being pronounced based upon a presentence investigation report (PSI) which did have material facts in error which he will discuss in the below statement of facts.

1
2
3 Respondents may Argue That Laches Apply
4 Due To The Fact That So many Years Have
5 Passed Since Sentence was Pronounced.
6 However, The NARADA Supreme Court Held
7 That Such A Time Requirement Does not
8 Apply To A Request For modification of
9 Sentence. See, Passanisi v. State, 831 P2d
10 1371, 108 Nev 318 (1992):

11 "
12 ... we note that the Trial Court has
13 inherent Authority To correct a sentence
14 at any time if such sentence was Based
15 on mistake of material fact that work
16 to the extreme Detriment of the Defendant.
17 (citation omitted). IF the Trial Court has
18 inherent Authority To correct a sentence,
19 A Fortiori, it has Authority To entertain A
20 ~~MOTION~~ Requesting it To exercise that
21 inherent Authority.

22 ... Thus, The Time Limits and other
23 restrictions with Respect To A Petition
24 For Post-conviction Relief Do not Apply To A
25 motion To modify a sentence Based on
26 A claim That The Sentence was illegal
27 or Based on an untrue Assumption of
28 The Fact That Amounted To A Denial of Due
Process." Id. 831 P2d at 1372 N 1.

1
2
3 Respondent may also argue that this issue
4 should have been raised before sentencing. However,
5 the state extended a plea offer to Powe, and
6 advised him that the offer would only be on
7 the table for 24 hours, see, exhibit - A. The
8 next day Powe accepted the offered deal, and
9 the matter was set for sentencing. On the
10 ~~day~~ of sentencing, literally, five minutes before
11 Powe was to get sentenced, he was given the
12 P.S.I. report to look over. Thus, he never had
13 an opportunity to object to the information
14 that was incorrect in the PSI report before
15 sentencing.

16 Plaintiff, as stated above, is alleging that his
17 sentence by this court was based upon
18 assumptions founded upon his PSI report
19 that had factors in error, and as such, his
20 constitutional right to due process was violated.
21 See, STATE V. DISTRICT COURT, 677 P2d 1044, 100
22 Nev. 90 (rev. 1984):

23 The District Courts inherent authority to
24 correct a judgment or sentence founded
25 on mistake is in accord with the constitutional
26 considerations underlying the sentence process.
27
28

1
2
3 The United States Supreme Court has
4 expressly held that where a defendant is
5 sentenced on the basis of materially untrue
6 assumptions concerning his criminal
7 record. "The result, whether caused by
8 carelessness or design, is inconsistent
9 with due process of law." Townsend v.
10 Burke, 334 U.S. 736, at 741, 68 S.Ct. 1252,
11 at 1255, 92 L.Ed. 1690 (1948). Further,
12 the cases clearly establish that
13 constitutionally violative "materially untrue
14 assumptions" concerning a criminal record
15 may arise either as a result of a
16 sentencing judge's correct perception of
17 incorrect or false information, or a
18 sentencing judge's incorrect perception
19 or misapprehension of otherwise accurate
20 or true information. Id. 677 P.2d at 1048, n.3.

21 Plaintiff would ask that this court not misperceive
22 his request to be pointing his finger at the court
23 and saying "you are wrong" as that is not the
24 case. He is merely requesting that the court
25 reconsider the sentence that was pronounced
26 based upon mistakes of facts in the PSI report
27 and at sentencing.
28

1
2
3 II. STATEMENT OF FACTS
4

5 ON December 22, 2016, Plaintiff entered A Plea
6 OF Guilty OF:

7 COUNT 1 - First Degree Kidnapping with use of
8 A Deadly weapon.

9
10 ON February 14, 2017, Plaintiff was Adjudged
11 By This Court To Be Guilty Thereof By Reason
12 OF A WRITTEN Guilty Plea Agreement and
13 Sentencing Terms are as follows:

14 COUNT 1 - Life with The Eligibility of Parole
15 AFTER Serving A minimum of Five (5) years,
16 Plus A consecutive Term of one Hundred .
17 Fifty (150) months with A minimum Parole
18 Eligibility of sixty (60) months For the use
19 OF A Deadly weapon. The Aggregated Total
20 Sentence is Life with A minimum of one
21 Hundred Twenty (120) months.
22

23 The Department of Parole and Probation Did
24 Submit To This Court A Presentence Investigation
25 (PSI) Report in case No. C-15-308371-1 on
26 Jan. 19, 2017, Prior To Sentencing.
27
28

1
2 In This Report The Department Set Forth
3 The History of The Plaintiff's Prior convictions,
4 IT HAS Him Listed AS Having Been To Prison
5 Six (6) Times. This is INCORRECT, see, Exhibit
6 -B, Page 3-4.

7 The Department OF Parole AND Probation
8 MISTAKENLY Reported That Plaintiff, Roway
9 Powe, Had Been To Prison Six (6) Times.
10 See, Exhibit -B, Page 3-4.

11 However, The ACTUAL Number of PRISON PRISON
12 Terms Served By Powe is Three (3), HALF of
13 what The Judge saw in The INCORRECT
14 Presentence Investigation Report. And Thus,
15 HALF of what He Based His Sentence of Powe
16 on, And Therefore, Pursuant To Townsend V.
17 Burke, 334 U.S. At 741, The above Report and
18 Sentence Therefrom, IS INCONSISTENT WITH Due
19 Process OF Law.
20

21 Further, Plaintiff would ASK That Since
22 NAS 176.133 - 176.165 Requires The Department
23 OF Parole AND Probation To Investigate and
24 make evaluations OF A Criminal Defendant,
25
26
27
28

1
2 And That Evaluation Should Factor Into Their
3 Recommendation, That, The Recommendation
4 made By The Department of Parole and
5 Probation Should Be Re-visited in light of
6 The mistake of Fact in The PSI Report.

7 In light of The Fact That Plaintiff Has
8 Served more Than 2 1/2 () Years at Present,
9 Plaintiff is Requesting This Court to
10 Re-evaluate The misinformation contained
11 In The PSI Report That He Was Noted,
12 And modify His Sentence According To The
13 Dictates of The Court's mercy and Sense of
14 Justice.

15 CONCLUSION

16
17 Wherefore, All The Above Stated Reasons,
18 Plaintiff Respectfully Request This Honorable
19 Court To modify His Sentence in Accordance
20 with This Court's Fair and Just Consideration
21 of The Facts of This case.

22 Dated This 7th Day of February 2018.

23
24 x R. Powe
25 Ronny Powe #1173457
26 P.O. Box 650
27 Indian Springs, NV 89070
28 In Pro Se

CERTIFICATE OF SERVICE

I, RONNY POWE, hereby certify that I am the
petitioner in this matter and I am representing myself in propria persona.

On this 07 day of February, 2018, I served copies
of the Notice of motion and motion for
Modification of Sentence.

in case number: C-15-308371-1 and placed said motion(s) in
U.S. First Class Mail, postage pre-paid:

Address: 200 Lewis Ave
Las Vegas, NV. 89155
Sent to: Office of the District Attorney, Steven B. Wolfson
And
Steven D. Grierson, Clerk of the Court
200 Lewis Ave, 3rd Floor
Las Vegas, NV. 89155

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is/the
petitioner in the above-entitled action, and he, the defendant has read
the above CERTIFICATE OF SERVICE and that the information contained
therein is true and correct. 28 U.S.C. §1746, 18 U.S.C. §1621.

Executed at High Desert State Prison
on this 7th day of February, 2018.

X Ronny Powe #1173451
DOP#

PETITIONER -- In Proper Person

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 20, 2016**

C-15-308371-1 State of Nevada
 vs
 RONNY POWE

December 20, 2016 8:30 AM Calendar Call

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

PRESENT:	Drummond, Craig	Attorney
	POWE, RONNY	Defendant
	Smith, Tyler	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Parties announced ready. Mr. Smith estimated 4-5 days for trial. Court TRAILED case to handle remaining Calendar Calls. MATTER RECALLED. COURT ORDERED, trial date SET. Mr. Drummond advised an offer was extended, and against his recommendation, Deft. is not inclined to take it, further noting defense made a counter offer, and State will not accept it. Upon Court's inquiry, Mr. Smith confirmed State will leave the offer open for 24 hours. Court canvassed Deft. on State's decision to leave the offer open for 24 hours; and advised Deft. if he decides to take the offer within 24 hours, Court will set this matter on calendar, and if he does not accept the offer, State will revoke it. Deft. acknowledged that he understood.

CUSTODY**1/03/17 10:30 A.M. TRIAL BY JURY****PRINT DATE:** 12/22/2017**Page 19 of 24****Minutes Date:** July 31, 2015

EXHIBIT-A

PRESENTENCE INVESTIGATION REPORT
RONNY POWE AKA RONNY DARROW POWE
CC#: C-15-308371-1

Education: The defendant received his high school diploma in 1977 and attended two semesters of college. He also completed trade school and received certificates for machinist, cardiologist technician and journeyman carpenter.

Military Service: None reported

Health and Medical History: The defendant rated his physical health as good with no significant concerns.

Mental Health History: No significant concerns are reported.

Gambling History: No history reported.

Substance Abuse History: The defendant first consumed alcohol and tried marijuana at the age of 16. He drank alcohol on a casual basis and his last reported use was three to four days before the instant offense, and his last reported use of marijuana was in his 20's. The defendant has never participated in substance abuse treatment and he does not believe alcohol or drugs are problematic.

Gang Activity/Affiliation: None reported

IV. CRIMINAL RECORD

As of January 3, 2017, records of the Las Vegas Metropolitan Police Department, the National Crime Information Center and the Federal Bureau of Investigation reflect the following information:

CONVICTIONS- FEL: 6 GM: 0 MISD: 5

INCARCERATIONS- PRISON: 6? JAIL: 1

SUPERVISION HISTORY:

CURRENT- Probation Terms: 0 Parole Terms: 0

PRIOR TERMS:

Probation- Revoked: 0 **Discharged:** Honorable: 0 Other: 0

Parole- Revoked: 0 **Discharged:** Honorable: 0 Other: 2

Adult:

Arrest Date: 07-31-83
Los Angeles, CA
LAPD

Offense: Robbery (F)

Disposition:
A458956
11-08-83: Convicted of Robbery (F), 3
years prison
06-26-85: Paroled

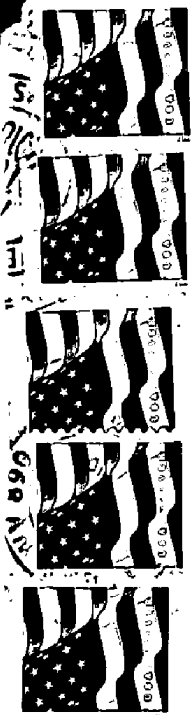
EXHIBIT-B

PRESENTENCE INVESTIGATION REPORT
RONNY POWE AKA RONNY DARROW POWE
CC#: C-15-308371-1

10-04-85 Los Angeles, CA LAPD	Transport/Sell Narcotic/Controlled Substance (F)	A031905 12-13-85: Convicted of Possess Narcotic Controlled Substance (F), 16 months prison 08-25-86: Paroled
07-05-90 Long Beach, CA LBPD	1. Possess/Manufacture/Sell Dangerous Weapon (F) 2. Carry Concealed Weapon in Vehicle (M) 3. Possess Control Substance Paraphernalia (M)	NA004137 10-02-90: Convicted of Possess/Manufacture/Sell Dangerous Weapon (F) and Felon/Addict Possess Firearm (F), 2 years prison
09-10-90 Los Angeles, CA LAPD	Grand Theft: Vehicles, Vessels (F)	TA008761 10-24-90: Convicted of Take Vehicle without Owner's Consent/Vehicle Theft, enhancement with Prior Prison (F) and Receive/Known Stolen Property (F), 3 years prison
06-10-95 Henderson, NV HPD	DUI (M)	7057833-1 06-27-95: Convicted of DUI (M), \$500 fine, community service, Victim Impact Panel and school
05-08-13 Henderson, NV HPD	WA: Battery Domestic Violence (M)	13CR004133 08-05-13: Convicted of Domestic Battery 1 st (M), 180 days jail, 54 days CTS, 48 hours community service, counseling \$200 fine 06-23-15: Warrant issued, \$5,140 bail (active)
05-08-13 Henderson, NV HPD	WA: Assault with Deadly Weapon (F)	13FH0344X 05-30-13: Convicted of Assault (M), 90 days suspended, \$500 fine, stay out of trouble

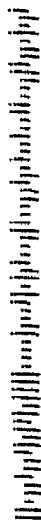
EXHIBIT-B

Ronny D. Powe 1173457
HDSP
P.O. Box 650
Indian Springs, N.V. 89070



Steven D. Grierson
Clerk of the Court
200. Lewis Ave. 3rd Floor
Las Vegas, N.V. 89155

8910136300 0075



DISTRICT COURT
CLARK COUNTY, NEVADA

The State of Nevada
Plaintiff

vs.

Ronny D. Powe
Defendant

Case No. C-15-308371-1

Dept. No. 12

Docket

ORDER

Upon reading the Motion of the Defendant, Ronny D. Powe, requesting production of all documents, papers, pleadings and tangible property, and having determined that the movant has demonstrated Good Cause Appearing,

IT IS HEREBY ORDERED that Defendant's Motion for the Production of Documents, Papers, Pleadings and Tangible Property is **GRANTED**.

IT IS HEREBY FURTHER ORDERED that the Clerk of the Court is directed to prepare all Documents Papers, Pleadings, and Tangible Property to the Defendant at the following address:

DATED and DONE this ____ day of _____, 20__.

DISTRICT COURT JUDGE

RECEIVED

MAR 05 2018

CLERK OF THE COURT

C-15-308371-1
LSF
Left Side Filing
4726921



Steven D. Grierson

MC
DA
PP

1 Ronny D. Powe # 1173457
2 / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5
6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 The State of Nevada
9 Plaintiff

10 vs.

11 Ronny D. Powe
12 Defendant

Case No. C-15-308371-1

Dept No. 12

Docket _____

14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Ronny D. Powe
16 Plaintiff in Pro Per.

17 will come on for hearing before the above-entitled Court on the 5th day of APRIL 18
18 at the hour of 8:30 AM ^{XII} o clock o M. In Department o, of said Court.

19
20 CC:FILE

21
22 DATED: this 27 day of Feb, 2018

23
24 BY: R Powe
25 Ronny D. Powe 1173457 #
26 /In Propria Personam

CLERK OF THE COURT

MAR 14 2018

RECEIVED

CLERK OF THE COURT

MAR 05 2018

RECEIVED

Steven D. Grierson

1 Ronny D. Powe #1173457
2 Defendant/ In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5 DISTRICT COURT
6 Clark COUNTY, NEVADA

7
8 The State of Nevada

9 Plaintiff,

10 vs.

Case No. C-15-308371-1

11 Ronny D. Powe 1173457

Dept No. 12

12 Defendant.

Docket _____

13
14 **MOTION FOR PRODUCTION OF DOCUMENTS,**
15 **PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFENDANT**

16 Date of Hearing: 4-5-18

17 Time of Hearing: 8:30 AM

18 "ORAL ARGUMENT REQUESTED, Yes ___ No ___"

19 COMES NOW, Defendant, Ronny D. Powe, proceeding in proper person,
20 hereby moves this Honorable Court for its ORDER for the production of all documents, papers,
21 pleadings and tangible property in the possession of: Craig W. Drummond Esq

22
23 This Motion is made and based upon all papers and pleadings on file with the Clerk of the Court
which are hereby incorporated by this reference, the Points and Authorities herein, and attached
Affidavit of Defendant.

DATED: this 27 day of Feb., 2018

BY: R. Powe
Ronny D. Powe 1173457 #
Defendant/In Propria Personam

CLERK OF THE COURT

RECEIVED
MAR 14 2018

RECEIVED
MAR 05 2018

CLERK OF THE COURT

1 **POINTS AND AUTHORITIES**

2 The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

3 "An attorney who has been discharged by his client shall, upon demand and payment of the fee due from
4 the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property
which belong to or were prepared for that client."

5 As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s)
6 of record, were appointed by the Court to represent the defendant, who was an indigent, in Case
7 Number ~~615-30331~~ in Department No. 12.

8 N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and
9 deliver to the defendant in his/her possession, which states:

10 "A client who, after demand therefore and payment of the fee due from him, does not receive from his
11 discharged attorney all papers, documents, pleadings and items of tangible personal property may, by
12 a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers,
Documents, pleadings and other property."

13 In numerous cases throughout this great land, the courts have held attorneys to a high degree of
14 professional responsibility and integrity. This carried from the time of hiring to and through the
15 attorney's termination of employment.

16 Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a
17 "... prompt accounting of all his client's ... property in his possession." This is echoed in Canon 2
18 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent
19 part EC 2-32: "A lawyer should protect the welfare of his client by ... delivering to the client all
20 papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the
21 ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply
22 with applicable laws on the subject.

23 In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,
24 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney
25 refusing to deliver to a former client his documents after being requested to do so by the client. The
26 court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the
27 attorney censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce
6 and deliver to the Defendant all documents and personal property in his/their possession belonging to
7 him or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers.
8 The attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada
9 Supreme Court Rules 173, 176 and 203.

10
11 DATED: this 27 day of Feb., 2018

12
13 BY: R. D. Howe
14 Ronny D. Howe - 1173457 #
15 Defendant/In Propria Personam
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAILING

I, Ronny D. Powe, hereby certify, pursuant to NRCP 5(b), that on this 27
day of Feb., 2018, I mailed a true and correct copy of the foregoing, "Motion for
Production of Documents, Papers, Pleadings and tangible Property of defendant
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Steven D. Grierson
Clerk of the Court
200 Lewis Ave. 3rd Floor
Las Vegas, NV. 89155-1160

CC:FILE

DATED: this 27 day of Feb., 2018

R Powe
Ronny D. Powe 1173457 #
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Ronny Powe #1173457
HDSP/ P.O. Box 650
Indian Springs, NV. 89070

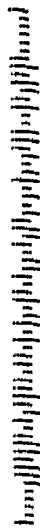
LAS VEGAS NV 890

01 MAR 2018 PM 4 L

UNDELIVERABLE
RETURN TO SENDER

Steven D. Grierson clerk of the court
200 Lewis Ave. 3rd Floor
Las Vegas, NV. 89155-1160

89101-630000





1 **RSPN**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHARLES W. THOMAN
6 Deputy District Attorney
7 Nevada Bar #012649
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 RONNY POWE, aka,
13 Ronny Darrow Powe, #1415128,
14 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

15 STATE'S RESPONSE TO DEFENDANT'S MOTION TO MODIFY SENTENCE

16 DATE OF HEARING: MAY 17, 2018
17 TIME OF HEARING: 8:30 AM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through CHARLES W. THOMAN, Deputy District Attorney, and hereby
20 submits the attached Points and Authorities in Response to Defendant's Motion to Modify
21 Sentence.

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

25 ///

26 ///

27 ///

28 ///

W:\2015\2015F\089\92\15F08992-RSPN-(POWE__RONNY)-001.DOCX

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On July 30, 2015, Ronny Powe (hereinafter "Defendant") was charged by way of
4 Information as follows: Count 1 – First Degree Kidnapping With Use of a Deadly Weapon
5 Resulting in Substantial Bodily Harm; Count 2- Attempt Murder With Use of a Deadly
6 Weapon; Count 3 - Battery With Use of a Deadly Weapon Resulting in Substantial Bodily
7 Harm Constituting Domestic Violence; Count 4 - Battery With Use of a Deadly Weapon
8 Resulting in Substantial Bodily Harm Constituting Domestic Violence; Count 5 – Battery
9 With Use of a Deadly Weapon Resulting in Substantial Bodily Harm Constituting Domestic
10 Violence; Count 6 – Battery Constituting Domestic Violence – Strangulation; and Count 7 –
11 Battery With Use of a Deadly Weapon Resulting in Substantial Bodily Harm Constituting
12 Domestic Violence.

13 On July 31, 2015, Defendant was arraigned and pleaded not guilty.

14 On December 14, 2015, Defendant filed a Motion for Discovery. On December 17,
15 2015, this Court granted Defendant's Motion for Discovery.

16 On November 17, 2016, Defendant filed a Motion to Dismiss Counsel and Appoint
17 Alternate Counsel. On December 8, 2016, this Court denied Defendant's Motion to Dismiss
18 Counsel and Appoint Alternate Counsel.

19 On December 22, 2016, Defendant pleaded guilty to First Degree Kidnapping with Use
20 of a Deadly Weapon (Category A Felony – NRS 200.310, 200.320, 193.165 – NOC 50055).
21 The parties stipulated to a sentence of five (5) years to Life in the Nevada Department of
22 Corrections for First Degree Kidnapping. Additionally, the parties stipulated to a sentence of
23 five (5) years to twelve and one-half (12 ½) years in the Nevada Department of Corrections
24 for the deadly weapon enhancement. That same day, the State filed Amended Information
25 reflecting the charge in the Guilty Plea Agreement.

26 On February 14, 2017, Defendant was sentenced to: Life with the eligibility of parole
27 after serving a minimum of five (5) years plus a consecutive terms of one hundred fifty (150)
28 months with a minimum parole eligibility of sixty (60) months for the Use of a Deadly

1 Weapon. The aggregate total sentence imposed is Life with a minimum of one hundred twenty
2 months. Defendant received six hundred and nine (609) days credit for time served. A
3 Judgment of Conviction was filed on February 17, 2017.

4 On April 13, 2017, Defendant filed a Notice of Appeal. On May 19, 2017, the Nevada
5 Supreme Court filed an Order Dismissing Appeal. Remittitur issued June 14, 2017.

6 On March 14, 2018, Defendant filed a Motion for Production of Documents, Papers,
7 Pleadings and Tangible Property of Defendant. This Court granted Defendant's Motion for
8 Production of Documents, Papers, Pleadings and Tangible Property of Defendant on April 5,
9 2018.

10 On February 21, 2018, Defendant filed the instant Motion for Modification of Sentence.
11 The State responds as follows.

12 ARGUMENT

13 **I. DEFENDANT IS NOT ENTITLED TO SENTENCE MODIFICATION**

14 In general, a district court lacks jurisdiction to modify a sentence once the defendant
15 has started serving it. Passanisi v. State, 108 Nev. 318, 321, 831 P.2d 1371, 1373 (1992).
16 However, a district court has inherent authority to correct, vacate, or modify a sentence that
17 violates due process where the defendant can demonstrate the sentence is based on a materially
18 untrue assumption or mistake of fact about the defendant's criminal record that has worked to
19 the *extreme detriment* of the defendant. Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321,
20 324 (1996) (emphasis added); see also Passanisi, 108 Nev. at 322, 831 P.2d at 1373.

21 Not every mistake or error during sentencing gives rise to a due process violation. State
22 v. Eighth Judicial Dist. Court, 100 Nev. 90, 97, 677 P.2d 1044, 1048 (1984). A district court
23 has jurisdiction to modify a defendant's sentence "only if (1) the district court actually
24 sentenced appellant based on a materially false assumption of fact that worked to appellant's
25 extreme detriment, and (2) the particular mistake at issue was of the type that would rise to the
26 level of a violation of due process." Passanisi, 108 Nev. at 322-23, 831 P.2d at 1373-74.

27 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor
28 are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d

1 222, 225 (1984). "A claim is 'belied' when it is contradicted or proven to be false by the record
2 as it existed at the time the claim was made." Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228,
3 1230 (2002).

4 Defendant contends that his sentence was based upon assumptions during his trial and
5 in his Pre-Sentence Investigation Report (PSI) that were "material facts in error" regarding the
6 amount of times he had previously went to prison. Motion at 2, 4, 7. Defendant's entire motion
7 is nothing more than bare and naked claims without a single specific basis cited in support of
8 his position. Defendant received his sentence as stipulated by the parties as a recommendation
9 to this Court. Thus, Defendant fails to show how any alleged error in his PSI worked to his
10 extreme detriment or raised to the level of a due process violation.

11 Additionally, the Nevada Supreme Court in Stockmeier v. State, held that a Defendant
12 must either object to the PSI at sentencing or raise the objections on direct appeal. 127 Nev.
13 243, 250, 255 P.3d 209, 214 (2011). In Stockmeier the defendant objected to the PSI at
14 sentencing but failed to seek a ruling from the district court as to the disputed issues. Id. at
15 251, 215. In this case, Defendant did not object to his PSI at sentencing, nor did his direct
16 appeal allege any imperfections in this PSI. Therefore, the instant motion is an improper
17 vehicle for Defendant to object to determinations contained within his PSI. As such, the court
18 lacks jurisdiction to hear these claims and the instant motion must be dismissed.

19 CONCLUSION

20 For the forgoing reasons the State respectfully requests that Defendant's Motion to
21 Modify Sentence should be DENIED.

22 DATED this 15th day of May, 2018.

23 Respectfully submitted,

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

26 BY 

27 CHARLES W. THOMAN
28 Deputy District Attorney
Nevada Bar #012649

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

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 15th day of
May, 2018, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

Ronny Powe, BAC #1173457
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada, 89070-0650

BY: Theresa Dodson
Theresa Dodson
Secretary for the District Attorney's Office

al/CWT/td/dvu

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

Case No. C-15-308371-1
Dept. No. XII
Calendared: _____
File: _____

IT IS HEREBY ORDERED, that the _____
transcribe the records on _____, Case No.
_____, for the dates of _____.

DATED this ____ day of _____, 20__

////
////
////
////
////
////
////
////
////

[illegible]

JUN 20 2018

CLERK OF THE COURT

Steven D. Grierson

DISTRICT COURT
CLARK COUNTY, NEVADA

July 12, 2018 @8:30 am

Ronney Powe,
Plaintiff,

CASE No. C-308371-1

Dept No. XII

v.

STATE OF NEVADA,
Respondent,

PLAINTIFF'S MOTION
FOR RECONSIDERATION

Comes Now, Plaintiff, Ronney Powe,
(Hereinafter, Powe) And hereby submits
The attached argument in PLAINTIFF'S
MOTION FOR RECONSIDERATION.

This Reply is made and Based upon all
The papers and Pleadings on file herein,
And The attached argument in support
Hereof.

RECEIVED

JUN 21 2018

CLERK OF THE COURT

CLERK OF THE COURT

RECEIVED

JUN 21 2018

ARGUMENT

In The STATES Response, The State, stated,

"The NEVADA Supreme Court in Stockmeier v. State, held that a Defendant must either object to the PSI at Sentencing or Raise the objection in Direct appeal. 127 Nev. 243, 250, P.3d 209, 214 (2011). . . In This case, Defendant Did not object to His PSI At Sentencing, nor Did His Direct Appeal allege any imperfections in This PSI."

AS TO objecting to the PSI, Before Sentencing, Powe was not given the PSI until moments Before Sentencing. Thus, There was no Real opportunity to make any objection, and, as to the Direct appeal, Pursuant to the NEVADA Supreme Court, in Powe v. State, Docket # 72840 (Order Dismissing Appeal, Dated May 19, 2017), The Notice of Appeal was Filed on April

13, 2017, Twenty Five (25) Days After The
Thirty (30) Day Appeal Period Prescribed
By NRAP 4(b), Had Passed. Therefore, Even
Though Powe Fully Intended on Raising
His objections to the PSI on appeal, That
Time Had Passed, Pursuant to NRAP 4(b),

CONCLUSION

Wherefore, All The Above Stated Reasons,
Plaintiff Respectfully Request This Honorable
Court to modify His Sentence.

Dated This 13 Day of June 2018

ss/ RPowe 1173457

Ronney Powe #1173457

P.O. Box 650

Indian Springs, NV

89070

In Pro Se

Steven D. Grierson

DISTRICT COURT
CLARK COUNTY, NEVADA

July 12, 2018 @8:30 am

Ronney Powe,
MOVANT,

CASE No. C-308371-1

Dept No. XII

V.

STATE OF NEVADA,
Respondant.

MOTION FOR LEAVE TO FILE
A LATE MOTION FOR
RECONSIDERATION

Comes Now, MOVANT, Ronney Powe,
(Hereinafter, Powe) and Request Leave to
File A Late Reply.

This Request For Leave To File Late
Reply is necessary For The Following
Reasons.

This motion to modify Sentence was
Filed on February 21, 2018.

The Original Hearing Date was set For
March 15, 2018. However, on May 21, 2018,
Almost Two months After The Hearing Date,

CLERK OF THE COURT

RECEIVED
JUN 21 2018

SD

RECEIVED

JUN 21 2018

CLERK OF THE COURT

Powe Received The states Response To Defendant's motion to modify Sentence, with a new Hearing Date stamped on it, of may 17, 2018, Three Day Prior To Powe Receiving The states Response.

Therefore Powe was Denied His Right To Reply To The states Response. The state Either mistakenly or intentionally advanced untruths in Their Response. These untruth, very well, may Have Been Relied upon By The Judge When making His Decision in This case.

For The above stated Reasons, Powe ask This Honorable Court To grant Leave to File This Late Reply.

Dated This 13 Day of June 2018

ss/ R Powe 1173457
Ronney Powe #1173457
P.O. Box 650
Indian Springs, NV
89070
In Pro Se

56
Steven D. Grierson

CASE NO. C-15-308371-1

DEPT. NO. XII

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

RONNY POWE

Plaintiff

-vs-

STATE OF NEVADA

Respondent

July 12, 2018 @ 8:30 am

NOTICE OF MOTION AND MOTION
FOR TRANSCRIPTS AT STATE
EXPENSE

PLEASE TAKE NOTICE that RONNY POWE, Plaintiff
who is appearing in the above-entitled matter in propria per-
sona, will move this Honorable Court on a time and date to be
determined by the clerk of the Court, or as soon thereafter,
that petitioner can be heard, for an order to provide tran-
scripts, any and all pleadings in the above-entitled case.
That these are to be sent to the petitioner at the expense of
the State of Nevada, due to petitioner's poverty.

POWE can demonstrate a prima facie need for the tran-
scripts, pleadings, and any and all other transcribed material
with regards to the above-entitled case. That this motion is
made and based upon all of the records, files, and pleadings
which are on file with the clerk of the court, the attached
affidavit of the petitioner, and on the attached memorandum

CLERK OF THE COURT

JUN 21 2018

RECEIVED

CLERK OF THE COURT

JUN 20 2018

RECEIVED

1 of Points and Authorities.

2 WHEREFORE, Plaintiff, Ronny Powe, prays that
3 this Court will issue an order granting petitioner's motion.

4 DATED this 18 day of June, 2018

5

6

Respectfully Submitted

7

8

ss/ Powe # 1173457

9

(Plaintiff In Proper Person)

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

Steven D. Grierson

1 RONNY POWE
2 Plaintiff/ In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 RONNY POWE
9 PLAINTIFF

10 vs.

11 STATE OF NEVADA
12 Respondent

Case No. C-308371

Dept No. XII

Docket _____

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** RONNY POWE

17 will come on for hearing before the above-entitled Court on the ____ day of July 12, 2018
18 at the hour of 8:30 am o'clock ____ M. In Department ____ of said Court.

20 CC:FILE

22 **DATED:** this 18 day of June, 2018.

24 BY: RPowe # 1173457
Ronny Powe #
Plaintiff/ In Propria Personam

CLERK OF THE COURT

RECEIVED

JUN 21 2018

50

CLERK OF THE COURT

RECEIVED

JUN 20 2018

Steven D. Giersen

CASE NO. C-15-308371-1

DEPT. NO. XII

RONNY POWE

PLAINTIFF,

VS.

STATE OF NEVADA

Respondent.

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
REQUEST FOR TRANSCRIPTS AT
STATE EXPENSE

The PLAINTIFF respectfully request that this Court order the production of the transcripts, papers, pleadings, and any other documents with regard to the above-entitled case. That these documents are to be furnished to the petitioner at State Expense, due to his proverty.

That only with proper review of those documents of the above-entitled case will the petitioner be able to adequately prepare a post-conviction petition, or a discrec appeal, that would allege all issues and grounds for relief that he is seeking. PETERSON vs. WARDEN, 87 Nev. 134, 483 P.2d 204 (1971), holds that:

" . . . does not contemplate that a record will be furnished at State Expense upon mere unsupported request of a petitioner who is unable to pay for them. . . so must be satisfied the

1 points raise merit and such merit
2 will be supported by review of the
record. . . "

3 Moreover, the Plaintiff would be prejudiced absent the Court's
4 granting of the within motion. Petitioner would not have means
5 necessary to file a proper person petition for writ of habeas
6 corpus, post-conviction or direct appeal to the Nevada Supreme
7 Court, that would allow the petitioner to allege all available
8 issues.

9 WHEREFORE, Plaintiff, Ronny Powe prays that this Court
10 enter an order directing the reporter to prepare the foregoing
11 requested transcripts.

12 DATED this 18 day of June, 2018.

13 ss/ R Powe # 1173457
14 RONNY POWE
15
16

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

no

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

FURTHER, AFFIANT SAYETH NAUGHT.

EXECUTED AT High Desert STATE Prison this 18 day of June 2018

IN FRONT OF: C/O Jackson BY Blaw
Damir

NDOC # 1123457

CERTIFICATE OF SERVICE BY MAILING

I, Ronny Powe, hereby certify, pursuant to NRCP 5(b), that on this 18
day of June, 2018, I mailed a true and correct copy of the foregoing, "Notice of
Motion And Motion For Transcripts At States Expense."
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Steven D. Grierson
clerk of the Court
200 Lewis Ave. 3rd Fl.
Las Vegas, NV. 89155-1160

CC:FILE

DATED: this 18 day of June, 2018.

R Powe
Ronny Powe # 1173457
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding notice of

Motion and Motion for Transcripts at States Expense.
(Title of Document)

filed in District Court Case number C-15-308371-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.

PP Howe
Signature

6-18-15
Date

Ronny Powe
Print Name

Pro se

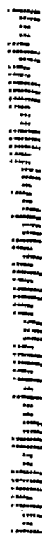
Title

Ronny Powe #173457
HDSP P.O. Box 650
Indian Springs, NV. 89070



Steven D. Grierson
Clerk of the Court
200 Lewis Ave. 3rd Fl.
Las Vegas, NV. 89155-1160

8910186300 0075



HIGH DESERT STATE PRISON

JUN 17 2018

UNIT 5A/B



1 **ORDR**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LISA LUZAICH
6 Chief Deputy District Attorney
7 Nevada Bar #005056
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 RONNY POWE, aka,
14 Ronny Darrow Powe, #1415128,
15 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

16 **ORDER DENYING DEFENDANT'S MOTION TO MODIFY SENTENCE**

17 DATE OF HEARING: MAY 17, 2018
18 TIME OF HEARING: 8:30 A.M.

19 THIS MATTER having come on for hearing before the above entitled Court on the
20 17th day of May, 2018, the Defendant not being present, In Proper Person, the Plaintiff being
21 represented by STEVEN B. WOLFSON, District Attorney, through BERNARD
22 ZADROWSKI, Chief Deputy District Attorney, without argument, based on the pleadings
23 and good cause appearing therefor,

24 ///

25 ///

26 ///

27 ///

28 ///

RECEIVED


JUN 08 2018

DEPT. 12

W:\2015\2015F\089\92\15F08992-ORDR-(POWE__RONNY)-003.DOCX

1 IT IS HEREBY ORDERED that the Defendant's Motion To Modify Sentence, shall
2 be, and it is Denied.

3 DATED this 20 day of June, 2018.

4
5 
DISTRICT JUDGE

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

TJ

9 BY 

LISA LUTZ
10 Chief Deputy District Attorney
11 Nevada Bar #005056
12

13 CERTIFICATE OF SERVICE

14 I certify that on the 27th day of June, 2018, I mailed a copy of the foregoing Order
15 Denying Defendant's Motion To Modify Sentence to:

16 Ronny Powe, BAC #1173457
17 High Desert State Prison
18 P.O. Box 650
19 Indian Springs, Nevada 89070-0650

20 BY: 

Theresa Dodson
21 Secretary for the District Attorney's Office
22
23
24
25
26
27

28 td/dvu

Steven D. Grierson

1 Ronny Powe # 1173457
2 Appellant In Proper Person
3 P.O. Box 650 H.D.S.P.
4 Indian Springs, Nevada 89018

5 8th DISTRICT COURT

6 CLARK COUNTY NEVADA

7
8 Ronny Powe

9 Appellant

10 -v-

11 STATE OF NEVADA

12 Respondent

Case No. C-308371-1

Dept. No. XIV

Docket _____

14 NOTICE OF APPEAL

15 Notice is hereby given that the Appellant, Ronny
16 POWE, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court Denial of POWE'S MOTION FOR TRANSCRIPTS
19 AT STATE expense

21 Dated this date, 8/2/18

23 Respectfully Submitted,

24 RPowe # 1173457

In Proper Person

25
26
27
28
RECEIVED
AUG 07 2018
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Ronny Powe, hereby certify, pursuant to NRCP 5(b), that on this 2
day of Aug., 2018, I mailed a true and correct copy of the foregoing, "notice
of Appeal"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Steven D. Grierson
Clerk of the Court
200 Lewis Ave 3rd Floor
Las Vegas, NV. 89155-1166

DATED: this 2 day of Aug., 2018

R Powe #1173457
Ronny Powe
Appellant /In Propria Persona
Post Office box 650 [HDSP]
Indian Springs Nevada 89018

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding notice

of appeal

(Title of Document)

filed in District Court Case number C-308371-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.

Rowe #1173457
Signature

8/2/18
Date

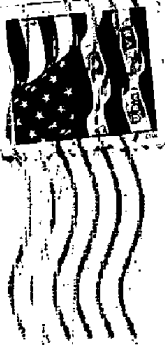
Print Name Ronny Powe

Pro Per
Title

RONNY POWE #1173457

HDSF P.O. Box 650

Indian Springs, NV. 89070

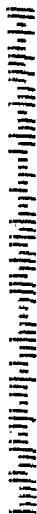


03 JAN 1981 MAIL PERMIT NO. 1081 INDIAN SPRINGS NV

INITIAL

Steven D. Grierson, Clerk of the Court
200 Lewis Ave. 3rd Floor
Las Vegas, NV. 89155-1160

000000-10166



Steven D. Grierson

1 RONNY POWE #1173457

2 Appellant In Proper Person
3 P.O. Box 650 H.D.S.P.
4 Indian Springs, Nevada 89018

5 8th DISTRICT COURT
6 CLARK COUNTY NEVADA

8 RONNY POWE,

9 APPELLANT,

10 -v-

11 STATE OF NEVADA,

12 Respondent,

13 _____

Case No. C-308371-1

Dept.No. XIV

Docket _____

14 NOTICE OF APPEAL

15 Notice is hereby given that the Appellant, Ronney
16 Powe, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court Denial of POWE'S motion for modification
19 of sentence.

20 _____
21 Dated this date, 8/2/18
22 _____

23 Respectfully Submitted,

24 R. Powe #1173457

25 In Proper Person

RECEIVED
18
AUG 07 2018

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Ronny Powe, hereby certify, pursuant to NRCP 5(b), that on this 2
day of Aug., 2018 I mailed a true and correct copy of the foregoing, "notice
of Appeal."

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Steven D. Grierson
Clerk of the Court
200 Lewis Ave 3rd Floor
Las Vegas, NV 89155-1160

DATED: this 2 day of Aug., 2018.

R Powe #1173457
Ronny Powe #
Appellant /In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding notice

8 F Appeal

(Title of Document)

filed in District Court Case number C-308371-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.

Rowe # 1173457
Signature

8/2/18
Date

Ronny Powe
Print Name

Pro Per
Title

Ronny Powe #1173457
HDSP P.O. Box 650
Indian Springs, NV. 89070

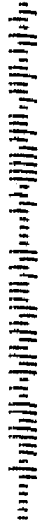


03 AUG 2018 PM 4 L

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

Steven D. Gifferson, Clerk of the Court,
200 Lewis Ave. 3rd Floor
Las Vegas, NV. 89155-1160

89101-530000





1 ASTA

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

STATE OF NEVADA,

Plaintiff(s),

vs.

RONNY POWE
AKA RONNY DARROW POWE,

Defendant(s),

Case No: C-15-308371-1

Dept No: XII

CASE APPEAL STATEMENT

1. Appellant(s): Ronny Powe

2. Judge: Michelle Leavitt

3. Appellant(s): Ronny Powe

Counsel:

Ronny Powe #1173457
P.O. Box 650
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: July 29, 2015

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 72840

12. Child Custody or Visitation: N/A

Dated This 9 day of August 2018.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Ronny Powe



1 ASTA

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

STATE OF NEVADA,

Plaintiff(s),

vs.

RONNY POWE
AKA RONNY DARROW POWE,

Defendant(s),

Case No: C-15-308371-1

Dept No: XII

CASE APPEAL STATEMENT

1. Appellant(s): Ronny Powe

2. Judge: Michelle Leavitt

3. Appellant(s): Ronny Powe

Counsel:

Ronny Powe #1173457
P.O. Box 650
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: July 29, 2015

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 72840,

12. Child Custody or Visitation: N/A

Dated This 9 day of August 2018.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Ronny Powe

Steven D. Grierson

1 **ORDR**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL DICKERSON
6 Deputy District Attorney
7 Nevada Bar #013476
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 RONNY POWE, aka,
14 Ronny Darrow Powe #1415128

15 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

16 **ORDER DENYING DEFENDANT'S MOTION FOR TRANSCRIPTS AT STATE**
17 **EXPENSE, MOTION FOR RECONSIDERATION, AND MOTION FOR LEAVE TO**
18 **FILE A LATE MOTION FOR RECONSIDERATION**

19 DATE OF HEARING: JULY 12, 2018
20 TIME OF HEARING: 8:30 A.M.

21 THIS MATTER having come on for hearing before the above entitled Court on the
22 12th day of July, 2018, the Defendant not being present, IN PROPER PERSON, the Plaintiff
23 being represented by STEVEN B. WOLFSON, District Attorney, through MICHAEL
24 DICKERSON, Deputy District Attorney, and without argument, based on the pleadings and
25 good cause appearing therefor.

26 ///

27 ///

28 ///

RECEIVED

AUG 14 2018

DEPT. 12

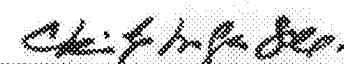
W:\2015\2015F08992\3F08992-ORDR-(POWE, RONNY)-004.DOCX

1 IT IS HEREBY ORDERED that the Defendant's Motion for Transcripts At State
2 Expense, Motion For Reconsideration, and Motion For Leave To File A Late Motion For
3 Reconsideration, shall be, and all are DENIED.

4 DATED this 17 day of August, 2018.

5
6 
DISTRICT JUDGE


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

10 BY 
11 MICHAEL DICKERSON
12 Deputy District Attorney
13 Nevada Bar #013476

14 CERTIFICATE OF SERVICE

15 I certify that on the 22nd day of August 2018, I mailed a copy of the foregoing Order
16 to:

17 RONNY POWE #1173457
18 High Desert State Prison
19 P.O. Box 650
Indian Springs, NV 89070

20 BY 
21 M. CRAWFORD
22 Secretary for the District Attorney's Office

23
24
25
26
27
28 15F08892A/mc/DVU

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 76655
District Court Case No. C308371

FILED

OCT 16 2018

A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER these appeals DISMISSED."

Judgment, as quoted above, entered this 14th day of September, 2018.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
October 11, 2018.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll
Chief Deputy Clerk

C-15-308371-1
CCJD
NV Supreme Court Clerks Certificate/Judgm
4768426



IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

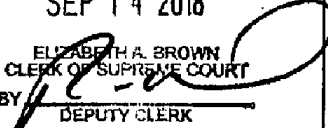
No. 76654

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76655 ✓

FILED

SEP 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEALS

These are pro se appeals from district court orders denying a motion for transcripts at state expense and denying a motion to modify sentence. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

This court's review of these appeals reveals jurisdictional defects. No statute or court rule permits an appeal from an order denying a motion for transcripts at state expense. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). To the extent that appellant appeals from the order denying a motion to modify sentence, the notice of appeal was untimely filed. The order denying a motion to modify sentence was entered on July 2, 2018. However, the notice of appeal was not filed until August 7, 2018, six days after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this

18-36112

court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994).
Accordingly, we conclude that we lack jurisdiction to consider these appeals,
and we

ORDER these appeals DISMISSED.

Pickering, J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Michelle Leavitt, District Judge
Ronny Darrow Powe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: 10/11/18
Supreme Court Clerk, State of Nevada

By Angela Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 76655
District Court Case No. C308371

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 11, 2018

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll
Chief Deputy Clerk

cc (without enclosures):

Hon. Michelle Leavitt, District Judge
Ronny Darrow Powe
Attorney General/Carson City
Clark County District Attorney

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on OCT 16 2018.

Deputy HEATHER UNGERMANN
District Court Clerk

RECEIVED
APPEALS

OCT 16 2018

CLERK OF THE COURT

1

18-40029

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 76654
District Court Case No. C308371

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER these appeals DISMISSED."

Judgment, as quoted above, entered this 14th day of September, 2018.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
October 11, 2018.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll
Chief Deputy Clerk



FILED
OCT 16 2018
[Signature]
CLERK OF COURT

C-15-308371-1
CCJD
NV Supreme Court Clerks Certificate/Judgn
4788427



IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76654 ✓

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76655

FILED

SEP 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEALS

These are pro se appeals from district court orders denying a motion for transcripts at state expense and denying a motion to modify sentence. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

This court's review of these appeals reveals jurisdictional defects. No statute or court rule permits an appeal from an order denying a motion for transcripts at state expense. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). To the extent that appellant appeals from the order denying a motion to modify sentence, the notice of appeal was untimely filed. The order denying a motion to modify sentence was entered on July 2, 2018. However, the notice of appeal was not filed until August 7, 2018, six days after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this

SUPREME COURT
OF
NEVADA

(0) 1947A 

18-36111

court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994).
Accordingly, we conclude that we lack jurisdiction to consider these appeals,
and we

ORDER these appeals DISMISSED.

Pickering, J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Michelle Leavitt, District Judge
Ronny Darrow Powe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: 10/11/18

Supreme Court Clerk, State of Nevada

By *[Signature]* Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 76654
District Court Case No. C308371

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 11, 2018

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll
Chief Deputy Clerk

cc (without enclosures):
Hon. Michelle Leavitt, District Judge
Ronny Darrow Powe
Attorney General/Carson City
Clark County District Attorney

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on OCT 16 2018.

Deputy HEATHER UNGERMANN 
District Court Clerk

RECEIVED
APPEALS

OCT 16 2018

CLERK OF THE COURT



1 RTRAN

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,)

7 Plaintiff,)

8 vs.)

9 RONNY POWE,)

10 aka, RONNY DARROW POWE,)

11 Defendant.)

CASE NO. C308371-1

DEPT. XII

12 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

13 TUESDAY, FEBRUARY 14, 2017

14 **RECORDER'S TRANSCRIPT RE:**
15 **SENTENCING**

16 APPEARANCES:

17 For the Plaintiff:

SHANON L. CLOWERS, ESQ.
Chief Deputy District Attorney

19 For the Defendant:

CRAIG W. DRUMMOND, ESQ.

20
21
22
23
24
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

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

LAS VEGAS, NEVADA, TUESDAY, FEBRUARY 14, 2017

* * * * *

[Case called at 8:37 a.m.]

THE COURT: State versus Ronny Powe, C308371.

MR. DRUMMOND: And, Your Honor, Craig Drummond –

THE COURT: He’s present.

MR. DRUMMOND: – present with him.

THE COURT: He’s in custody. It’s on for sentencing.

Sir, is there any legal cause or reason why judgment should not be pronounced against you at this time?

THE DEFENDANT: No.

THE COURT: By virtue of your plea entered in this matter, I hereby adjudicate you guilty of First Degree Kidnapping with Use of a Deadly Weapon.

Does the – I know there is a stipulation. Does the State want to be heard?

MS. CLOWERS: No, Your Honor.

THE COURT: Do you want to say anything, sir?

THE DEFENDANT: Yes, I do.

THE COURT: Sure.

THE DEFENDANT: Okay. First of all, I would like to apologize to the victim, the Court, and my family. My thoughts and prayers go out to everyone involved in the case. If I could take it away, take away all the pain and suffering, I would. I would gladly walk in their shoes. I’m very remorseful. If only I could turn back the hands of time, but I can’t.

1 I'm a 57-year-old man, who has attended two different colleges. I'm
2 certified in three different fields and up to this point, I was a model citizen. Yes.
3 I'll be the first one to admit, I made a big mistake. One positive thing I can say, I
4 have and I will always continue to better myself so far this is a – so this will never
5 happen again. Since June of 2015, I've been in a direct inmate supervision
6 program. The program consists of nutrition, parenting and leadership, PTSD,
7 religion, yoga, employment and civil forms. Also, I have certificates from
8 attending other classes, in anger management, successful release, and male and
9 female relationships. And that's about it.

10 THE COURT: Thank you.

11 MR. DRUMMOND: Your Honor, if you're willing to follow the
12 stipulation, and I believe that's the same recommendation on the pre-sentence
13 report, I don't have anything further. If you would like me to elaborate I can, but if
14 you're willing to follow that I think we're good.

15 THE COURT: Which is a 5 to life, plus a consecutive 5 to 12-and-a-
16 half, correct?

17 MR. DRUMMOND: It is, Your Honor, and those were after hard-
18 fought negotiations, but my client at the end of the day wanted to accept
19 responsibility and move everyone forward.

20 THE COURT: In accordance with the laws of State of Nevada, this
21 Court does now sentence you as follows: In addition to a \$25 administrative
22 assessment, \$150 DNA fee, order you submit to genetic marker testing, impose
23 a \$3 DNA collection fee. At this time the Court is going to sentence you to life in
24 the Nevada Department of Corrections with the possibility of parole after serving
25

1 a minimum of 5 years, plus a consecutive 60 months to 150 months for the
2 deadly weapon enhancement, for an aggregate sentence of 120 months to life.

3 How much credit does he have?

4 MS. CLOWERS: Six hundred and nine days.

5 THE COURT: With 609 days credit for time served.

6 MS. CLOWERS: Thank you.

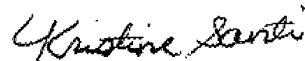
7 THE COURT: Thank you.

8 MR. DRUMMOND: Thank you, Your Honor.

9 [Proceedings concluded at 8:41 a.m.]

10 * * * * *

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

13 

14 KRISTINE SANTI
15 Court Recorder
16
17
18
19
20
21
22
23
24
25



1 RTRAN

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,)

7 Plaintiff,)

8 vs.)

9 RONNY POWE,)

10 aka, RONNY DARROW POWE,)

11 Defendant.)

CASE NO. C308371-1

DEPT. XII

12 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

13 THURSDAY, DECEMBER 22, 2016

14 **RECORDER'S TRANSCRIPT RE:**
15 **ENTRY OF PLEA**

16 APPEARANCES:

17 For the Plaintiff:

JEFFREY S. ROGAN, ESQ.
Chief Deputy District Attorney

VIVIAN LUONG, ESQ.
Deputy District Attorney

20 For the Defendant:

SCOTT M. HOLPER, ESQ.
ROY L. NELSON, III, ESQ.

24 RECORDED BY: KRISTINE SANTI, COURT RECORDER
25

1 LAS VEGAS, NEVADA, THURSDAY, DECEMBER 22, 2016

2 * * * * *

3 [Case called at 10:21 a.m.]

4 THE COURT: State versus Ronny Powe, C308371, present in
5 custody.

6 Good morning, sir.

7 THE DEFENDANT: Good morning.

8 MR. HOLPER: Your Honor, my apologies. I received a message.
9 Mr. Drummond is out of town. Court's indulgence.

10 THE COURT: It's my understanding Mr. Powe was going to enter a
11 plea today.

12 THE DEFENDANT: Yes, but I wanted to speak to him. He said he
13 was going to talk to me for a brief minute or two so –

14 THE COURT: Okay. Mr. Drummond?

15 THE DEFENDANT: No. This – he can talk to me. He can answer my
16 questions.

17 THE COURT: Okay.

18 MR. HOLPER: Okay.

19 THE COURT: Go ahead.

20 MR. HOLPER: Thank you, my apologies.

21 [Case trailed and recalled at 11:15 a.m.]

22 THE COURT: State versus Ronny Powe, Case C308371.

23 MR. NELSON: Judge, he's present in custody. With your permission,
24 it's resolved this morning. I'm standing in for Mr. Drummond. He's going to
25 plead guilty to one count of First Degree Kidnapping with Use of a Deadly

1 Weapon. Both parties agree on the First Degree Kidnapping portion to a 5 to life
2 sentence. For the deadly weapon enhancement, it's a 5 to 12-and-a-half year
3 sentence to run consecutive, so, essentially, it equates to a 10 to life sentence.
4 I've interlineated on pages 5 and 6 to change the date from October to December
5 and I've gone over the Guilty Plea Agreement with him; although I'm not his
6 attorney of record.

7 THE COURT: Is this what you want to do today, sir?

8 THE DEFENDANT: Yes.

9 THE COURT: Your true and full name for the record?

10 THE DEFENDANT: Ronny D. Powe.

11 THE COURT: How old are you?

12 THE DEFENDANT: Fifty-seven.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: College.

15 THE COURT: Do you read, write and understand the English
16 language?

17 THE DEFENDANT: Yes.

18 THE COURT: You received a copy of the Amended Information in
19 this case charging you with First Degree Kidnapping with Use of a Deadly
20 Weapon?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand this charge?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: How do you plead to the charge in the Amended
25 Information?

1 THE DEFENDANT: [Unintelligible] guilty.
2 THE COURT: I'm sorry?
3 THE DEFENDANT: Guilty.
4 THE COURT: Are you entering into this plea today freely and
5 voluntarily?
6 THE DEFENDANT: Yes.
7 THE COURT: Anyone threaten or coerce you into entering into this
8 plea?
9 THE DEFENDANT: No.
10 THE COURT: Other than what's contained in this Guilty Plea
11 Agreement, anyone make you any promises to get you to enter into this
12 agreement?
13 THE DEFENDANT: No.
14 THE COURT: I have before me a Guilty Plea Agreement. Is this your
15 signature on page 5?
16 THE DEFENDANT: Yes.
17 THE COURT: Did you read it before you signed it?
18 THE DEFENDANT: Yes.
19 THE COURT: Did you understand it prior to signing it?
20 THE DEFENDANT: Yes.
21 THE COURT: Were all of your questions answered to your
22 satisfaction prior to signing it?
23 THE DEFENDANT: Yes.
24 THE COURT: Do you have any questions of the Court regarding this
25 Guilty Plea Agreement?

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

THE DEFENDANT: No.

THE COURT: You understand that you have stipulated to do 5 years to life in the Nevada Department of Corrections on the Count of First Degree Kidnapping and that you stipulated to a sentence of 5 to 12-and-a-half years in the Nevada Department Corrections for the deadly weapon enhancement?

THE DEFENDANT: Yes.

THE COURT: So you understand you've stipulated to do 10 to life?

THE DEFENDANT: Yes.

THE COURT: And you understand that, correct?

THE DEFENDANT: Yes.

THE COURT: Do you have any questions about that?

THE DEFENDANT: No.

THE COURT: You understand the range of punishment for this offense is 5 – you understand that the range of punishment is 15 years with parole eligibility beginning after 5 years, plus the 5 to 15 for the deadly weapon enhancement – I'm sorry – plus a consecutive 1 to 20 years for the deadly weapon enhancement. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: You also understand that the State could – I'm sorry – that the Court could sentence you to life in prison with the possibility of parole with eligibility beginning after a minimum of 5 years has been served?

THE DEFENDANT: Yes.

THE COURT: And you understand sentencing is completely within the discretion of the Court; that no one can make you any promises regarding what will happen at the time of sentencing?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: But you understand you have stipulated to do 10 to
3 life?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you have any questions about that?

6 THE DEFENDANT: No.

7 THE COURT: You also understand you are giving up all of your trial
8 rights by entering into this plea today; that you do have a right to a speedy and
9 public trial; that if this matter went to trial the State would be required to prove
10 each of the elements as alleged in their charging document by proof beyond a
11 reasonable doubt. Did your attorney explain to you what the State would have to
12 prove?

13 THE DEFENDANT: I'm not sure.

14 Did you go over that part?

15 THE COURT: Did you –

16 MR. NELSON: Well –

17 THE COURT: You spoke to – you were getting ready to go to trial.

18 THE DEFENDANT: Yes.

19 THE COURT: And you and Mr. Drummond had an opportunity to
20 discuss what the State would have to prove if this matter went to trial, correct?

21 THE DEFENDANT: Yes.

22 THE COURT: You had a chance to discuss any defenses that you
23 would have to these charges?

24 THE DEFENDANT: Yes.

25

1 THE COURT: You understand at the time of trial you'd have the right
2 to testify, to remain silent, to have others come in and testify for you, to be
3 confronted by the witnesses against you and cross-examine them and to appeal
4 any conviction?

5 THE DEFENDANT: Yes.

6 THE COURT: You understand all of these rights?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: You understand that by entering into this plea today
9 that you will be giving up all of these rights?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you have any questions about the rights you're
12 giving up?

13 THE DEFENDANT: No.

14 THE COURT: Do you have any questions about this Guilty Plea
15 Agreement?

16 THE DEFENDANT: The only thing I have a question about is when it
17 – hold on, just a second – it says everything is stipulated and then I go to page 2
18 when it says the 5 to life, plus a minimum of 1 year.

19 MR. NELSON: And a maximum of 20 years. I've explained to him
20 that –

21 THE COURT: Yeah.

22 MR. NELSON: – he could receive 40 percent of the maximum of 20,
23 which would be 8, which is higher than what he's stipulating to. I don't know –
24
25

1 THE COURT: That's correct. You could receive a higher – you could
2 receive a higher sentence than what you've stipulated to because it's completely
3 within the discretion of the Court as to how to sentence you.

4 THE DEFENDANT: Okay.

5 MR. NELSON: And what he's asking is the 1 isn't set in stone. In
6 other words, you could do more than 1. You could do 8. You could do 7. You
7 could do 6, etcetera.

8 THE COURT: Sure.

9 MR. NELSON: Okay.

10 THE COURT: The maximum would be 8 to 20.

11 THE DEFENDANT: Okay. I understand.

12 THE COURT: Do you understand that?

13 THE DEFENDANT: Yes.

14 MR. NELSON: So he was questioning – I said, you stipulated to 10 to
15 life. He was looking at the language from the second page that says 5 to life with
16 the potential of 1 to 20 running consecutive to it, but I explained there's a range
17 of punishment for the deadly weapon enhancement that he could – he would
18 potentially get less, but he could get a whole lot more as well. And that's –

19 THE COURT: Sure.

20 THE DEFENDANT: So there's no 6 to life and then a possibility of
21 parole?

22 THE COURT: Sorry?

23 THE DEFENDANT: Six to life, possibility of parole?

24 MR. NELSON: See, that's the way he's reading page 2. It's a 5 to life
25 for the First Degree Kidnapping –

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

THE DEFENDANT: Five to life, plus the 1.

THE COURT: Okay.

MR. NELSON: – and 1 to 20.

THE COURT: You’ve stipulated to do 10 to life.

THE DEFENDANT: Yes. And then I’m looking at the other page
where –

THE COURT: I don’t think that you should even contemplate that
someone is going to give you less than what you stipulated to do.

THE DEFENDANT: Yes. That’s what threw me off. I’m not trying to
argue the point, but I just wanted it explained to me more clearly so I can
understand it.

THE COURT: Okay. I can tell you that as the consequences of your
plea the Court must sentence you to the Nevada Department of Prison for life
with the possibility of parole with parole eligibility beginning after a minimum of 5
years has been served or a definite term of 15 years with eligibility of parole
beginning after 5 years has been served, plus a consecutive minimum term of
not less than 1 year and a term of not more than 20 years for the use of the
deadly weapon enhancement.

THE DEFENDANT: Okay.

THE COURT: So whatever the original, so if it’s 5 to 15, plus a
consecutive 1 to 20, the Court could sentence you to 12 to 30. The maximum
the Court could sentence you on the deadly weapon enhancement would be 8 to
20.

THE DEFENDANT: Okay.

THE COURT: Do you understand that?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Okay. Can you tell me what you did in Clark County,
3 Nevada, on or about the 16th day of June 2015, that makes you guilty of First
4 Degree Kidnapping with –

5 THE DEFENDANT: Everything –

6 THE COURT: – Use of a Deadly Weapon?

7 THE DEFENDANT: Everything that's on page 2 on Exhibit 1.

8 THE COURT: Did you willfully, unlawfully, and feloniously, seize,
9 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away Ms.
10 Martin, a human being, with the intent to hold or detain her against her will, and
11 without her consent, for the purpose of killing and/or inflicting substantial bodily
12 harm on her, with the use of a deadly weapon: a firearm?

13 THE DEFENDANT: Yes.

14 THE COURT: Is the State satisfied?

15 MR. ROGAN: If the Defendant could just allocute as to who he did
16 the crime with.

17 THE COURT: Okay. And who did you do the crime with?

18 THE DEFENDANT: According to this, it says my daughter, Thaironya
19 Breinne –

20 THE COURT: And your daughter has already pled guilty –

21 THE DEFENDANT: Yes.

22 THE COURT: – correct?

23 THE DEFENDANT: Yes.

24 THE COURT: So Thyrona [phonetic] Poe [phonetic]?

25 THE DEFENDANT: No. It's Thaironya.

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

THE COURT: Thaironya Poe [phonetic].

THE DEFENDANT: Powe.

THE COURT: Powe?

THE DEFENDANT: Yes.

THE COURT: That's who you did it with?

THE DEFENDANT: Yes.

THE COURT: Okay. Is the State satisfied with that?

MR. ROGAN: Yes.

THE COURT: At this time the Court is going to accept your plea, make a finding you've entered into it freely and voluntarily; that you understand the nature of the charges and the consequences of your plea. The matter will be referred to Parole and Probation and it will be set for sentencing.

THE CLERK: Yes, Your Honor.

February 14, 8:30.

MR. NELSON: Thank you, Your Honor.

THE COURT: Thank you.

MR. ROGAN: Thank you, Your Honor.

THE COURT: Thank you.

[Proceedings concluded at 11:24 a.m.]

* * * * *

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



KRISTINE SANTI
Court Recorder

PP
PA

1 Ronny Powe # 1173457
2 MOVANT/ In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED

APR 01 2019

John L. Blum
CLERK OF COURT

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

8 Ronny Powe,
9 MOVANT
10 vs.
11 STATE OF NEVADA
12 Respondent
13 }

Case No. C-15-308371-1

Dept No. XII

Docket _____

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** Ronny Powe

16 _____
17 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____
18 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

19
20 CC:FILE

21
22 **DATED:** this 26 day of March, 2019.

23
24 BY: RPowe
25 RONNY POWE #1173457
26 MOVANT /In Propria Personam

RECEIVED

APR 01 2019

CLERK OF COURT

pp
PA

RONNY POWE
1173457
HIGH DESERT STATE PRISON
P.O. Box 650
Indian Springs, NV.
89070

FILED

APR 01 2019

Ann L. Blum
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

May 14 2019
08:30 AM

RONNY POWE,
MOVANT,

CASE No. C-15-30837-1
Dept No. XII

V.

STATE OF NEVADA,
Respondent,

MOTION FOR CORRECTION
OF ILLEGAL SENTENCE.

Comes Now, MOVANT, Ronny Powe, and Hereby
moves This Honorable Court For Correction of illegal
Sentence in the above entitled case.

This motion is made and Brought Pursuant to
NEVADA Revised Statute, (NRS) 176.555 and the
Due Process and Equal Protection clauses of the 14th
Amendment to the United States Constitution,
and is supported By the Attached Papers,
Pleadings and Documents on File Herein.

APR 01 2019

CLERK OF THE COURT

-1

I. STANDARD OF REVIEW FOR CORRECTION OF ILLEGAL SENTENCE.

NRS 176.555 Provides, "The court may correct an illegal sentence at any time."

The NEVADA SUPREME COURT expressly Defined when an illegal sentence has occurred as being:

"An illegal sentence for purpose of a statute identical to NRS 176.555 was defined by the District of Columbia court of appeals as 'one' at variance with the controlling sentence statute, or 'illegal' in the sense that the court goes beyond its authority by acting without jurisdiction on imposing a sentence in excess of the statutory maximum provided. . . (cites omitted). A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of the sentence." Edwards v. State, 918 P.2d 321, at 324, 112 Nev. 704, at 708 (1996).

Based upon the Decision, ~~Bowe~~ can only Request that his sentence be corrected because his sentence is illegal in the sense that it is at variance with the controlling sentence statute, and goes beyond its authority by setting without jurisdiction and/or imposing a sentence in excess of the statutory maximum provided.

II. STATEMENT OF FACTS

On February 14, 2017, After a Guilty Plea, The Court Adjudicated Powe Guilty of First Degree Kidnapping with use of a Deadly weapon.

The court sentenced Powe to a maximum term of life, with a minimum Parole Eligibility of five (5) years, Plus a consecutive term of one Hundred Fifty (150) months, with a minimum Parole Eligibility of sixty (60) months for the Deadly weapon Enhancement.

On February 16th, 2017, The Formal Judgment of conviction was entered.

III. LEGAL ARGUMENT

Powe Submits That His Sentence was illegal in the sense That Powe's sentence was enhanced without the state providing That the weapon supporting the Deadly weapon Finding is a deadly weapon as defined in NRS 193.165(6), and NRS 202.253(2).

Therefore, Powe's sentence was Facially illegal Based on the Following issues:

ISSUE I.

Powe Agreed To Plead Guilty To: First Degree Kidnapping with use of a Deadly Weapon (Category A Felony - NRS 200.310, 200.320, 193.165 - NDC 50055).

Both Parties STIPULATE TO A Sentence of Five (5) Years To Life in The NEVADA Department of Corrections (NDOC) on The Primary offense of First Degree Kidnapping.

Both Parties also STIPULATE TO A sentence of Five (5) Years To Twelve and one-half (12½) in The NEVADA Department of Corrections on The Deadly Weapon enhancement.

In This case, The Controlling Statute which Controls Sentence enhancement is, NRS 193.165. NRS 193.165(3) states,

(3) This Section Does Not Create any separate offense But Provides an Additional Penalty For The Primary offense, whose imposition is **CONTINGENT** upon The Finding of The **Prescribed Fact.** (Emphasis added)

NRS 193.165 (6)(c), states,

(6) AS USED in This Section, "Deadly weapon" means:

(c) A DANGEROUS or Deadly weapon specifically Described in NRS 202.255, 202.265, 202.290, 202.320, or 202.350.

And, NRS 202.253(2) states,

AS USED IN NRS 202.253 TO 202.369, inclusive;

(2) "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

First, NRS 193.165(3) states in part,

"... whose imposition is **contingent** upon the finding of the **prescribed facts**. (emphasis added).

The **prescribed fact** is that the weapon is indeed a deadly weapon pursuant to NRS 193.165(6)(c), and NRS 202.253(2), and thus is capable of expelling a metal projectile.

In Beary v. State, 125 Nev. 265, at 277, 212 P.3d 1085, at 1094 (Nev. 2009), the Nevada Supreme Court held,

"Because the Legislature drafted specific provisions defining 'deadly weapon' after this court decided Allen and Anderson... the statutory definitions set forth in NRS 193.165(6) control and the state **MUST PROVE THAT THE WEAPON IS A**

'deadly weapon' pursuant to NRS 193.165(6)." *Id.*

Thus, a defendant's challenge, as to whether the prescribed facts were proven under the controlling sentence statute, is necessarily a challenge to his sentence that the unproven prescribed fact helped

To Produce. Therefore, if The necessary Prescribed Fact is never Proven, it follows That Powe's Resulting Sentence cannot conform with the Statutory Provision in The Term of The Punishment Authorized, and Consequently, is An Illegal Sentence.

The Record Reflects That The state never attempted To Prove That The weapon was a Deadly weapon under NRS 193.165(6), This is only important Because During The Plea Colloquy The Court Did not elicit The Prescribed Facts, Beyond a Reasonable Doubt, and as stated Above, The state never Presented Evidence To Prove That The weapon was a Deadly weapon under NRS 193.165(6).

Further, Powe Originally Plead Not Guilty To The Charged Crime[s]. After Negotiations Powe Agreed To Plead Guilty To First Degree Kidnapping with the use of a Deadly weapon: To-wit, a Firearm. However, Powe cannot Plead Guilty, Agree, or stipulate To An Illegal Sentence, and an unproven Deadly weapon Enhancement Sentence Pursuant To NRS 193.165(6), is An Illegal Sentence. The only Exception is when Counsel Fails To Advise His Client That He could stipulate To An illegal Sentence only After He informed His Client of The Law He would Be stipulating To.

"IN NEVADA, A Defendant can Agree To An illegal Sentence. BREAULT V. STATE, 116 Nev. 311, 314, 996 P.2d 888, 889 (Nev. 2000). Because The Record is not clear on whether Counsel Advise Appellant That He could stipulate To A Potential illegal Sentence, This case must Be Remanded To The

District Court for an evidentiary hearing to explore whether appellant was fully informed of the law in Nevada prior to making his decision." Chote v Palmer, 2011 Nev. unpub. Lexis 1269 (Nev. 2011). The Record in this case is clear, Powe's counsel never advised him that he could stipulate to an illegal sentence or informed him of the law in Nevada prior to making his decision.

Second, whether a sentence is legal or not is a question of law which the state courts have a duty to decide prior to accepting a guilty plea.

Because a guilty plea is an admission of all the elements of a formal criminal charge, it cannot be truly voluntary unless the defendant possesses an understanding of law in relation to the facts, see Boykin v. Alabama, 395 U.S. 238, at 243, 89 S.Ct. 1709, 23 L.Ed. 2d 274, at 277 (1969).

NRS 193.165, if proven, exposes Powe to a greater statutory maximum sentence than he would otherwise receive. The problem is, the state never proved the prescribed facts necessary under NRS 193.165(6), nor did Powe plead to the necessary prescribed facts under NRS 193.165(6).

In United States v. Thomas, 355 F.3d 1191 (9th Cir. 2004), Thomas was in possession of 77.86 grams of cocaine base. The indictment alleged that he possessed more than 50 grams of cocaine base. Thomas later pled guilty to possessing more than 50 grams of cocaine base.

However, The Court Never Factually Determined That Thomas Possessed over 50 Grams of Cocaine Base, and Thus, The Thomas's case was Vacated and Remanded. The Thomas Court Held,

"The Government Has The Burden At The Plea Colloquy To seek an explicit admission of any unlawful conduct which it seeks to attribute to The Defendant. (citation omitted). Moreover, In Assessing The scope of The Facts Established Beyond a Reasonable Doubt By A Guilty Plea, we must Look at what The Defendant actually agreed to -- that is, what was actually established Beyond a Reasonable Doubt." Id. 355 F.3d at 1199.

In This Case, Powe's Plea Colloquy Does Not Establish That He Admitted The material Facts NECESSARY TO SATISFY NRS 193.165(6) OR NRS 202.253(2). See, Exhibit-A, STATE V. Powe, case No. C-308371-1 (Recorder's TRANSCRIPT RE: ENTRY OF Plea, Dec. 22, 2016), Page #10, which STATES,

"The COURT: OKAY, can you tell me what you Did in CLARK COUNTY, NEVADA, on or about The 16th DAY OF June 2015, That make you guilty of First Degree Kidnapping with —

Defendant: EVERYTHING —

The COURT: — USE OF A Deadly weapon?

Defendant: EVERYTHING That's on Page 2 on Exhibit 1.

The COURT: Did you wilfully, unlawfully, and Feloniously, Seize, Confine, inveigle, entice, Decoy, Abduct, conceal, Kidnap, or carry away Mrs Martin, A Human Being, with The intent to hold or Detain her Against her will, and without her consent, For The Purpose of Killing and/or Inflicting Substantial

Deadly Weapon on Her, with the use of a Deadly
Weapon: A Firearm?

Defendant: Yes. "Id.

IT'S CLEAR BY THE ABOVE GUILTY PLEA EXCEPT THAT
POWE NEVER PLEADED TO THE WEAPON BEING A FIREARM
THAT WAS CAPABLE OF EXPELLING A METAL PROJECTILE.
ALSO, IT WAS NEVER PROVEN, BEYOND A REASONABLE DOUBT,
THAT POWE POSSESSED A FIREARM CAPABLE OF EXPELLING A
METAL PROJECTILE.¹

FURTHER, IN POWE'S PLEA COLLOQUY, POWE PLEADED GUILTY
TO PAGE #2 OF EXHIBIT #1. THEREFORE, WE HAVE NO WAY OF
DETERMINING WHAT EXHIBIT POWE WAS LOOKING AT, THE
JUDGE READ FROM A PAGE THAT MAY HAVE BEEN PAGE #2
OF EXHIBIT #1, BUT EVEN THEN, THE JUDGE NEVER SAID
WHAT DOCUMENT HE WAS READING FROM. (ALTHOUGH IT
SOUND LIKE THE INDICTMENT.). STILL, IT'S NEVER BEEN
PROVEN, BEYOND A REASONABLE DOUBT, THAT POWE USED OR
POSSESSED A DEADLY WEAPON PURSUANT TO NRS 193.165(6).

THE FACT THAT POWE PLEADED GUILTY MEANS NOTHING
WITHOUT PLEADING GUILTY TO THE PRESCRIBED FACTS NECESSARY
TO ESTABLISH GUILT PURSUANT TO NRS 193.165(6).

ALSO,

"while we may label a fact as the 'functional
equivalent of an element' for purposes of Apprendi,
that does not transform the fact into an offense
'element' for purposes of *Winship*." Thus, even where
due process requires that a drug quantity
allegations be pleaded in the indictment and proven
to the jury beyond a reasonable doubt, a
defendant can plead to the elements of the
offense without admitting the drug quantity
allegation." see, United States v. Thomas, 355 F.3d

at 354-55.

1. To allow this enhancement to stand means that
NRS 193.165 is ambiguous and must be challenged.

FURTHER illustrated in, The Nevada Revised statute, 174.035(2), which states in part,

2. IF A Plea of Guilty or Guilty But **mentally** ill is made orally, The Court shall not accept such a Plea or a Plea of nolo contendere without first addressing the defendant personally and determining that the Plea is made **VOLUNTARILY WITH UNDERSTANDING OF THE NATURE OF THE CHARGE** and consequences of the Plea. (Emphasis added).

Under Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed. 2d 435, at 446 (2000), The Court held,

"Under The Due Process Clause of The Fifth Amendment and The Notice and Jury Trial Guarantees of The Sixth Amendment, any Fact (other than prior conviction) that increases the maximum Penalty For a crime must be charged in an indictment, submitted to a Jury, and proven Beyond a Reasonable Doubt." (citation omitted). The Fourteenth Amendment commands the same answer in this case involving a state statute." *Id.*

Therefore, The Policy Rationale Behind Apprendi is That The Court Violates The United States Constitution if it invades The Jury's Territory By Finding Facts at sentencing. Facts not established Beyond a Reasonable Doubt, either By Guilty Plea or Jury Verdict.

In United States v. Thomas, 355 F.3d at 1198
The circuit court held,

"Had This Case Gone To Trial The Government
Would Have Been Required To Prove Beyond A
Reasonable Doubt That Thomas Possessed At Least
50 Grams of Cocaine Base in order For The
Penalties . . . To Apply." Id.

In This Case, The State Was Required To "Prove That
The Weapon Is A 'Deadly Weapon' Pursuant To NRS 193.165(6)." Barny, 125 Nev at 277. However, The State Neglected To
Establish This Point. Further, As Stated In Thomas,
"Had This Case Gone To Trial The Government Would Have
Been Required To Prove Beyond A Reasonable Doubt" That
Powe Used Or Possessed A Deadly Weapon Pursuant To
NRS 193.165(6), and NRS 202.253(2). Even Further,
"The District Court must Advise The Defendant That
The Government Would Have To Prove Every Quantity As
It Would Prove Any Element -- To The Jury Beyond A
Reasonable Doubt." Thomas, 355 F.3d at 1197.

The Same Applies In This Case, Defendants Have
A Due Process Right To Be Informed Of Allegations
That Could Increase Their Sentence Beyond The
Statutory Maximum And That Must Be Proven Beyond
A Reasonable Doubt.

The Circuit Court In Thomas, Held,

"In Assessing The Scope Of The Facts Established
Beyond A Reasonable Doubt By A Guilty Plea, We
Must Look At What The Defendant Actually Agreed
To -- That Is, What Was Actually Established
Beyond A Reasonable Doubt." Thomas, 355 F.3d at
1199. (Citation Omitted).

In Powes Plea Colloquy, The Prescribed Facts were never Established Beyond A Reasonable Doubt By The Guilty Plea.

IT CANNOT BE ARGUED THAT Powe's illegal sentence IS NOT ON THE FACE OF THE RECORD BECAUSE NRS 193.165(3), CLEARLY STATES THAT NRS 193.165(3)

"... Provides an additional Penalty For The Primary OFFENSE, Whose IMPOSITION IS CONTINGENT UPON THE FINDING OF THE PRESCRIBED FACTS." *Id.*

THUS, WHEN Powe WAS GIVEN A GREATER SENTENCE THAN THE PRIMARY OFFENSE CALLED FOR, WITHOUT FINDING THE PRESCRIBED FACTS NECESSARY TO IMPOSE AN ADDITIONAL PENALTY, THE RESULTING SENTENCE IS ILLEGAL, ON ITS FACE, FOR NOT CONFORMING TO THE STATUTORILY AUTHORIZED TERM OF PUNISHMENT.

FOR THE ABOVE STATED REASONS IT IS CLEAR THAT POWE'S PRESENT SENTENCE IS ILLEGAL AND SHOULD NOW BE CORRECTED.

ISSUE II

Powe Further Argues That The Evidence was INSUFFICIENT TO SUPPORT A FINDING OF A DEADLY WEAPON.

"THE DUE PROCESS CLAUSE OF THE UNITED STATES CONSTITUTION PROTECTS AN ACCUSED AGAINST CONVICTION EXCEPT ON PROOF BEYOND A REASONABLE DOUBT OF EVERY

Fact Necessary To constitute the crime with which He is charged." Carl v. State, 100 Nev. 164, 168, 678 P.2d 668, 669, (Nev. 1984); U.S.C.A. VI, XIV.

This Court will Reverse A conviction when The state Fails To Present Evidence To Prove An element of The offense Beyond A Reasonable Doubt. In re Winship, 397 U.S. 358, 90 S.Ct. 1068 (1970); Martinez v. State, 114 Nev. 746, 961 P.2d 752 (Nev. 1998). The standard of Review For a challenge To The sufficiency of The evidence is "whether, After Viewing The evidence in The Light most Favorable To The Prosecution, Any Rational Juror could Have Found The essential Elements of The crime Beyond A Reasonable Doubt." McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (Nev. 1992), (quoting, Jackson v. Virginia, 443 U.S. 307, 319, (1979)).

Powe's Right To Due Process of Law Pursuant To The United States Constitution, Amendment 14, and The Nevada Constitution, Article 1 § 8 were violated when Powe was sentenced To Five (5) years To Twelve and one-half (12½) on A Deadly weapon Enhancement, under NRS 193.165 (6), without Proving The Prescribed Facts necessary under NRS 193.165.

Here, No Rational Juror Could Have Found,
Beyond A Reasonable Doubt, That Powe was Guilty
of use of a Deadly weapon, under NRS 193.165(6),
with The Evidence on Record in This case.

Specifically, Powe's Plea Colloquy states in Part,

"The Court: OKAY. CAN YOU TELL ME WHAT YOU DID
IN CLARK COUNTY, NEVADA, ON OR ABOUT THE 16TH
DAY OF JUNE 2015, THAT MAKES YOU GUILTY OF FIRST
DEGREE KIDNAPPING WITH—

Defendant: Everything —

The Court: — use of a deadly weapon?

Defendant: Everything That's on Page 2 of Exhibit 1.

The Court: Did you willfully, unlawfully, and
Feloniously, seize, confine, inveigle, entice, decoy,
abduct, conceal, kidnap, or carry away ms martin,
A Human being, with the intent to hold or detain
Her against Her will, and without Her consent, for
the purpose of killing and/or inflicting
substantial Bodily Harm on Her, with the use of
a deadly weapon: a Firearm?

Defendant: Yes. " State v. Powe, case No
C-308371-1 (Recorder's Transcripts RE: Entry of Plea,
Date Dec. 22, 2016).

The Court's Canvass Shows That Powe never Testified to
Using a weapon capable of expelling a metal Projectile.
Nor Does The Judge Proffer Any evidence of a weapon
capable of expelling a metal Projectile During The
Plea Colloquy.

**PLEADING
CONTINUES
IN NEXT
VOLUME**