

1 **MOTN**
2 **MICHAEL LASHER, ESQ.**
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4 Nevada Bar No. 13805
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6 Las Vegas, Nevada 89107
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9 Attorney for Appellant

Electronically Filed
Dec 23 2020 11:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 RAMON MURIC DORADO,

16 Defendant.

Supreme Court Case No.: 79556

Dist. Ct. Case No.: C-17-323098-1

17 **APPELLANT RAMON DORADO'S MOTION TO SUPPLEMENT PLEADINGS**
18 **AND THE RECORD ON APPEAL**

19 COMES NOW, appellant RAMON DORADO, by and through his attorney,
20 MICHAEL LASHER, ESQ. and hereby submits the following Motion To
21 Supplement Pleadings and the Record on Appeal. This Motion is made and based
22 upon the papers and pleadings on file in this matter, the Points and Authorities
23 which follow, and argument of counsel hereinafter entertained by the Court at any
24
25

26 //

27 //

1 hearing of said Motion.

2 DATED this 23rd day of December, 2020

3 RESPECTFULLY SUBMITTED:

4 

5 MICHAEL LASHER, ESQ.

6 Michael Lasher LLC

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9 Las Vegas, Nevada 89107

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12 Attorney for Appellant

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3 **NOTICE OF MOTION**

4 TO: STATE OF NEVADA, Plaintiff and

5 TO: STEVEN WOLFSON, District Attorney, Attorney for Plaintiff

6 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the
7 above and foregoing
8

9 **MOTION TO SUPPLEMENT PLEADINGS AND THE RECORD ON APPEAL**

10 on the 23rd day of December, 2020 in the above-entitled Court, or as soon
11 thereafter as counsel may be heard.
12

13 RESPECTFULLY SUBMITTED:

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15 
16 MICHAEL LASHER, ESQ.
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2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3
4 **I. PROCEDURAL BACKGROUND**

5 On April 27, 2017, the State of Nevada filed an indictment charging
6 appellant Ramon Dorado with three counts of sexual assault (NRS 200.366.2b)
7 occurring 18 years prior, in April of 1999. The delay was entirely attributable to
8 the State's failure to conduct DNA testing. In a mere eight months after the
9 alleged crimes, the State lost and destroyed all the exculpatory evidence while
10 retaining only the inculpatory evidence, which was ordered destroyed when the
11 case was closed but which was not. Dorado was convicted on June 20, 2019 after
12 a jury trial. 2 AA 180. He was sentenced to twenty years to life. 2 AA 181-82.
13

14
15 Appellate pleading is complete.

16 On August 17, 2020, this Court remanded "this case to the district court
17 for the limited purpose of conducting an evidentiary hearing to consider the
18 merits of Dorado's motion [to dismiss because of unconstitutional pre-indictment
19 delay] in the first instance. We retain jurisdiction over all other issues raised by
20 Dorado."
21

22 Pursuant to the limited remand order, the District Court conducted
23 hearings on November 10, 2020; December 8, 2020; December 15, 2020;
24 December 17, 2020.
25

26 On December 22, 2020, the District Court denied Dorado's motion to
27 dismiss, holding that "There was no valid proof of a violation of any printed policy
28

1 or procedures at the time of the investigation. Nor was there any loss of material
2 evidence the Defendant can point to that would have led to his acquittal. . . . The
3 standard promulgated in *Wyman* is not inconsistent with *U.S. v. Lovasco*. In the
4 matter before this court the allegations of tactical advantage and bad faith are
5 not present.” Exhibit 1.
6

7 Dorado requests this Court to allow supplemental pleadings to address the
8 District Court’s legal and factual findings. As well, Dorado requests to
9 supplement the record on appeal with transcripts for the hearings conducted on
10 November 10, 2020; December 8, 2020; December 15, 2020; December 17, 2020.
11

12 DATED this 23rd day of December, 2020.

13 RESPECTFULLY SUBMITTED:

14 
15 _____
16 MICHAEL LASHER, ESQ.
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18 Nevada Bar No. 13805
19 827 Kenny Way
20 Las Vegas, Nevada 89107
21 (510) 507-2869
22 Michaelasher2@gmail.com
23 Attorney for Appellant

21 **CERTIFICATE OF ELECTRONIC SERVICE**

22 Pursuant to NRCP5(b), I certify that on this 21st day of April, 2020 I caused the
23 foregoing document entitled **MOTION TO SUPPLEMENT PLEADINGS AND THE**
24 **RECORD ON APPEAL** to be served upon those persons designated by the parties
25 in the E-service Master List for the above-referenced matter in the Eighth Judicial
26
27
28

1 District Court eFiling System in accordance with the mandatory electronic service
2 requirements of Administrative Order 14-2 and the Nevada Electronic Filing and
3 Conversion Rules.
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5
6 Michael Lasher 

EXHIBIT 1

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C-17-323098-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 22, 2020

C-17-323098-1 State of Nevada
 vs
 Ramon Dorado

December 22, 2020 3:00 AM Minute Order

HEARD BY: Jones, David M

COURTROOM: Chambers

COURT CLERK: Michaela Tapia

JOURNAL ENTRIES

- DENIED - Pursuant to Wyman, which this Court holds as the correct standard in this matter. Defendant failed to show actual prejudice. There was no valid proof of a violation of any printed policy or procedures at the time of the investigation. Nor was there any loss of material evidence the Defendant can point to that would have led to his acquittal.

As far as the second prong in the Wyman decision, even though this Court, has stated Defendant did not meet the first prong it will be addressed.

The Court found no evidence that the delay prejudiced the Defendant, the case focused on the testimony of the Defendant and victim at the time of the alleged sexual assault. An act witnessed only by the parties.

The standard promulgated in Wyman is not inconsistent with U.S. v. Lovasco. In the matter before this court the allegations of tactical advantage and bad faith are not present.

State is to prepare the order.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

PRINT DATE: 12/22/2020

Page 1 of 1

Minutes Date: December 22, 2020