

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENYA SPLOND,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 82989

Electronically Filed
Oct 15 2021 02:24 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX

Volume 1

Monique McNeill, Esq.
Nevada Bar No. 9862
P.O. Box 2451
Las Vegas, Nevada 89125
Phone: (702) 497-9734
Email: Monique.mcneill@yahoo.com
Attorney for Appellant Splond

<u>Document</u>	<u>Volume.</u>	<u>Page Nos.</u>
Appendix Vol. 1	1, 2	31-283
Appendix Vol. 2	2, 3	284-536
Appendix Vol. 3	3, 4	537-788
Appendix Vol. 4	4	789-884
Exhibits in Support of Supplemental Brief	5	1072-1095
Findings of Fact	5, 6	1245-1291
Minutes Dec. 16, 2019	5	1029
Minutes Feb. 2, 2021	5	1143
Notice of Appeal	6	1340-1342
Notice of Entry of Findings of Fact		1292-1339
Opening Brief	1	1-30
Pet. Reply in Support of Petition	5	1129-1142
Proper Person Petition for Writ Of Habeas Corpus	4, 5	937-1003
Respondent's Answering Brief	4	885-933
Respondent's Appendix	4	934-936
Second Supp. Brief in Support of Pet.	5	1153-1197
State's Response to Pro Per Petition	5	1004-1028
State's Response to Pet. Supp. Brief	5	1096-1128
Supplemental Brief in Support of Petition	5	1030-1071

<u>Document</u>	<u>Volume.</u>	<u>Page Nos.</u>
Transcript, Hearing Feb. 1, 2021	5	1144-1152
Transcript, Hearing April 15, 2021	5	1198-1244

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 15th day of October, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD MONIQUE MCNEILL
STEVEN WOLFSON

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Kenya Splond

By: /S/ Monique McNeill

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 72545

KENYA SPLOND
Appellant,

vs.

STATE OF NEVADA
Respondent.

FILED

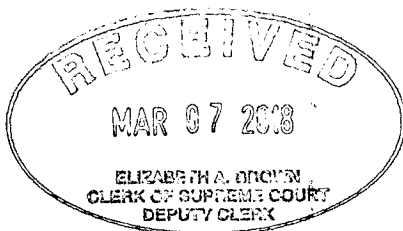
MAR 08 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
[Signature]
DEPUTY CLERK

Appeal from a Judgment of Conviction
Eighth Judicial District Court, Clark County
The Honorable Elizabeth Gonzalez, District Court

OPENING BRIEF

T. AUGUSTUS CLAUS, ESQ.
Legal Resource Group, LLC.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
Telephone: (702) 463-4900
Fax: (702) 463-4800
Attorney for KENYA SPLOND



18-09208⁰⁰⁰⁰¹

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENYA SPLOND,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Supreme Court No.: 71368

District Court No.: C-15-307195-1

Dept. No.: 11

RULE 26.1 DISCLOSURE STATEMENT

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal considerations:

1. Attorney of record for the Appellant: T. Augustus Claus
2. Publicly-held companies or parent corporations: None
3. Law Firm(s) appearing in the Court(s) below:
 - District Court: Frank Kocka, Esq.
Clark County Public Defender's Office
Legal Resource Group, LLC
 - Direct Appeal: Legal Resource Group, LLC

Legal Resource Group, LLC

TABLE OF CONTENTS

Table of Authorities.....	iv
Routing Statement	1
Jurisdictional Statement	1
Issues Presented For Review	1
Brief Procedural History and Relevant Facts.....	1
Legal Argument	7
Conclusion	22
Certificate of Compliance	23
Certificate of Service	24

TABLE OF AUTHORITIES

CASES

<u>Arizona v. Evans</u> , 514 U.S. 1 -----	16
<u>Big Pond v. State</u> , 101 Nev. 1, 3, 692 P.2d 1288, 1289 (1985)-----	10, 22
<u>Bigpond v. State</u> , 128 Nev. Adv. Rep. 10-----	10
<u>Bopp v. Lino</u> , 110 Nev. 1246-----	14
<u>Brown v. Texas</u> , 443 U.S. 47 -----	15
<u>Browne v. State</u> , 113 Nev. 305 -----	12
<u>Chapman v. California</u> , 386 U.S. 18-----	10
<u>Commonwealth v. Koch</u> , 39 A.3d 996 -----	13
<u>DeChant v. State</u> , 116 Nev. 918, 927, 10 P.3d 108, 114 (2000)-----	22
<u>Denson v. State</u> , 112 Nev. 489 -----	17
<u>Deveroux v. State</u> , 96 Nev. 388, 610 P.2d 722 (1980)-----	19
<u>Duckett v. State</u> , 104 Nev. 6, 10, 752 P.2d 752, 754 (1988)-----	21
<u>Elledge v. Dugger</u> , 823 F.2d 1439 (11th Cir. 1987)-----	21
<u>Elledge v. Dugger</u> , 833 F.2d 250 (11th Cir. 1987) -----	21
<u>Estelle v. Williams</u> , 425 U.S. 501, 96 S.Ct. 1691, 48 L.Ed.2d 126 (1976) -----	21
<u>Franklin v. State</u> , 96 Nev. 417-----	15
<u>Goodson v. State</u> , 98 Nev. 493 -----	16
<u>Hernandez v. State</u> , 118 Nev. 513, 535, 50 P.3d 1100, 1115 (2002) -----	21
<u>Hollaway v. State</u> , 116 Nev. 732, 742-43, 6 P.3d 987, 994 (2000) -----	19
<u>Homick v. State</u> , 108 Nev. 127-----	11
<u>Houk v. State</u> , 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) -----	19, 21
<u>Hughes v. State</u> , 116 Nev. 975 -----	15

<u>Illinois v. Wardlow</u> , 528 U.S. 119 -----	15
<u>Johnson v. State</u> , 86 Nev. 52-----	15
<u>Katz v. United States</u> , 389 U.S. 347 -----	14
<u>Lafler v. Cooper</u> -----	7
<u>Manning v. Warden</u> , 99 Nev. 82 -----	10, 11
<u>Mapp v. Ohio</u> , 367 U.S. 643 -----	15
<u>Martinez v. State</u> , 114 Nev. 735-----	16
<u>McLellan v. State</u> , 124 Nev. 263-----	13
<u>Missouri v. Frye</u> , 566 U.S. 133, 145, 132 S.Ct. 1399, 1408, 185 L.Ed.2d 379 (2012)-----	7, 8
<u>Mulder v. State</u> , 116 Nev. 1, 17, 992 P.2d 845, 854-55 (2000)-----	21
<u>Newman v. State</u> , 129 Nev. Adv. Rep. 24 -----	10
<u>Norwood v. State</u> , 112 Nev. 438, 440, 915 P.2d 277, 278 (1996)-----	19, 21
<u>Quillen v. State</u> , 112 Nev. 1369, 1382, 929 P.2d 893, 901 (1996)-----	20
<u>Randell v. State</u> , 109 Nev. 5, 8, 846 P.2d 278, 280 (1993)-----	19
<u>Riker v. State</u> , 111 Nev. 1316 -----	17
<u>Rodriguez v. State</u> , 128 Nev. -----	13
<u>Rosky v. State</u> , 121 Nev. 184-----	10
<u>Sheriff v. Morfin</u> , 107 Nev. 557-----	17
<u>Silks v. State</u> , 92 Nev. 91, 93-94, 545 P.2d 1159, 1161 (1976)-----	19
<u>State v. Harnisch</u> , 113 Nev. 214-----	14
<u>State v. Lloyd</u> , 129 Nev. Adv. Op. 79-----	15
<u>State v. Miller</u> , 110 Nev. 690 -----	14
<u>State v. Thompson</u> , 777 N.W.2d 617-----	13
<u>Stockmeier v. State, Bd. of Parole Comm'rs</u> , 127 Nev. 243 -----	17, 18
<u>Tavares v. State</u> , 117 Nev. 725 -----	9, 10
<u>U.S. v. Calandra</u> , 414 U.S. 338-----	16
<u>U.S. v. Leon</u> , 468 U.S. 897 -----	16

<u>United States Dept. of Justice v. Julian</u> , 486 U.S. 1	17
<u>United States v. Baylin</u> , 696 F.2d 1030	17
<u>United States v. Gypsum Co.</u> , 333 U.S. 364	14
<u>United States v. Ibarra</u> , 737 F.2d 825	17
<u>United States v. Morrison</u> , 449 U.S. 361, 364, 101 S.Ct. 665, 66 L.Ed.2d 564 (1981)	8
<u>Valdez v. State</u> , 124 Nev. 1172, 1195, 196 P.3d 465, 481 (2008)	21
<u>Walker v. State</u> , 116 Nev. 442	10
<u>Wesley v. State</u> , 112 Nev. 503	12
<u>Williams v. State</u> , 103 Nev. 106, 110, 734 P.2d 700, 703 (1987)	20
<u>Wyeth v. Rowatt</u> , 126 Nev. 446, 466, 244 P.3d 765, 779 (2010)	9
<u>Zana v. State</u> , 125 Nev. 541	13

STATUTES

NAC 213.590	18
NAC 213.600	18
NRS 176.133–159	18
NRS 176.159	17
NRS 177.015	1
NRS 177.015(3)	1
NRS 213.1071–1078	18
NRS 213.1092–10988	18
NRS 213.10988	18
<u>NRS</u> 48.015	12
NRS 48.045(2)	9
<u>NRS</u> 52.015	13

I. ROUTING STATEMENT

This is an appeal from a Judgment of Conviction pursuant to a jury verdict.

AA 5-6. As required by NRAP 28(a)(5), this case is NOT presumptively assigned to the Court of Appeals pursuant to NRAP 17(b)(1).

II. JURISDICTIONAL STATEMENT

This is an appeal from a Judgment of Conviction, pursuant to a jury verdict, filed on February 13th, 2017. AA 6. A timely Notice of Appeal was filed on March 2nd, 2017. AA 6. This Court has jurisdiction pursuant to NRS 177.015(3)-(4).

III. ISSUES PRESENTED FOR REVIEW

- A. WHETHER THE DISTRICT COURT ERRED BY NOT REINSTITUTING THE OFFER THAT WAS NEVER CONVEYED TO APPELLANT.
- B. WHETHER THE DISTRICT COURT ERRED BY ALLOWING A WITNESS TO INTRODUCE UNCHARGED BAD ACTS AND SPECULATE ABOUT THE LOADED STATUS OF A HANDGUN.
- C. WHETHER THE DISTRICT COURT ERRED BY FINDING THAT THERE WAS NO ILLEGAL STOP OF APPELLANT
- D. WHETHER THE DISTRICT COURT IMPROPERLY RELIED ON A FLAWED PSI IN SENTENCING APPELLANT
- E. WHETHER THE CUMULATIVE EFFECT OF ERRORS VIOLATED APPELLANT'S CONSTITUTIONAL RIGHTS.

IV. BRIEF PROCEDURAL HISTORY AND RELEVANT FACTS

This is Appellant Kenya Splond's ("Appellant") direct appeal after the sentencing by the District Court. AA 830-844. Appellant was charged by way of criminal indictment on March 5th, 2014. AA 3. Initially, Appellant was represented by Frank Kocka. AA 277-282. After prior counsel Kocka withdrew, it appears that the Clark County Public Defender's Office was appointed for a short time until a conflict was confirmed. AA 280. Current counsel was appointed on April 22nd, 2015 due to a conflict. AA 282-283. After multiple trial settings, trial commenced on March 15th, 2016. AA 1-7.

a. Offer That Was Never Conveyed

Initially, Appellant was represented by Frank Kocka for purposes of negotiating the case. AA 277. Prior counsel Kocka indicated that he was having difficulty getting an offer from the State's Deputies. AA 277. Prior counsel Kocka represented Appellant until April 20th, 2015, when he withdrew because he had not been retained for trial purposes. AA 279-281. At some point before the April 20th, 2015 hearing, prior counsel Kocka indicated that he had received an offer, but "...the offer is not acceptable to my client." AA 280. There was no indication on the record, at that time, what the offer entailed. AA 279-281. Appellant was not canvassed by the Court to confirm that counsel conveyed the offer, whatever it was, or that Appellant did not wish to accept the offer. AA 279-281. The Appellant contended on the first day of jury trial, on March 15th, 2016,

that he had never received the offer from prior counsel Kocka. AA 323. At that time, the State put the previous offer on the record, which was for Appellant to “plead guilty to two robberies with use of a deadly weapon, full right to argue including for consecutive time.” AA 323. After the Court confirmed that Appellant contended he did not get the offer earlier than that day at trial, the State made it clear that the offer was revoked while Mr. Kocka was counsel. AA 323-324. At that point, it was confirmed by the State that no offer had been conveyed to Appellant’s current counsel. AA 325.

b. Allowing Witness to Testify About Uncharged Crimes and The Loaded Status of Handgun

Jeffrey Haberman was called by the State to testify about the circumstances surrounding his stolen firearm and in so doing introduced evidence of another crime. AA 538-548. Appellant was not charged with the burglary or home invasion associated with Mr. Haberman’s stolen firearm, but a limiting instruction was given to the jury. AA 543-544. However, the State also used Mr. Haberman to opine as to the status of the gun at the time of a picture for which Mr. Haberman had no underlying knowledge (State’s Exhibit 28). AA 544-546. The Appellant properly objected at the time of the admission. AA 544. On Cross-examination, Mr. Haberman admitted that he had no knowledge the photograph (State’s Exhibit

28), including when it was taken or of any surrounding circumstances of the photograph. AA 544-546.

c. Allowing Evidence From The Stop of Appellant.

As charged by the State, on January 22nd, 2014, the Cricket Wireless store located at 4343 N. Rancho Drive was burgled by a customer asking for a cell phone battery. AA 152. The perpetrator pointed a black firearm at Sam Echeverria and demanded money, which they received in the amount of \$386.71. AA 152. On January 28th, 2014, the Metro PCS store located at 6663 Smoke Ranch Road was burgled by a customer asking to buy a cell phone. AA 152. The perpetrator used to gun to demand money from Graciela Angeles, which they received in the amount of \$300.00. AA 152. On February 2nd, 2014, the Star Mart Convenience Store located at 5001 N. Rainbow Boulevard was burgled by a customer buying two packs of Newport 100s cigarettes and a pack of Wrigley's chewing gum. AA 152. The perpetrator pointed a gun at Brittany Slathar and demanded money, which Ms. Slathar cleverly denied him by saying that she couldn't open the cash drawer without making a sale. AA 152. While not pleased, the perpetrator ultimately escaped with two packs of cigarettes and chewing gum. AA 152.

After the Star Mart Convenience Store robbery, police were notified of the incident via an alarm company and the cash register silent alarm. AA 152. Slather called 911 and indicated that the male who robbed her had left on Rainbow Blvd.

towards "the bar next door" on foot. AA 152. There were no indications of accomplices or vehicle involvement. AA 153, 157. Based on this information, Officers observed a silver 4-door sedan leaving the area and conducted a traffic stop "for extreme damage to the rear of the vehicle and for leaving the area of the Robbery." AA 158-159. No citation appears to have been issued for the vehicle extreme damage. AA 160. Upon initiation of the traffic stop, officers observed someone under a sheet in the back of the car and ultimately took Appellant into custody. AA 158-159. During the arrest of Appellant, the cigarettes and gum associated with the Star Mart robbery were located, as well as a firearm. AA 158-159. The police never sought or received a search warrant.

d. PSI Used by the Court was Flawed and Inflammatory

After the jury verdict, during the course of preparing for sentencing, Appellant's PSI became an issue. As part of the sentencing process a Presentence Investigation Report (hereinafter "PSI) was prepared for Appellant on May 9th, 2016 (PSI #1) by the Division of Parole and Probation. *See* May 9th, 2016 PSI. A subsequent PSI was created on June 30th, 2016 (PSI #2). *See* June 30th, 2016 PSI. The differences in PSI #1 and PSI #2 included:

- PSI #1 recommended Count 2 be served concurrent with Count 1. PSI #2 recommended consecutive time.

- PSI #1 recommended Count 7 be served concurrent with Count 6. PSI #2 recommended consecutive time.
- PSI #1 recommended Count 8 be served concurrent with Count 7. PSI #2 recommended consecutive time.
- PSI #1 has a longer (and apparently inaccurate) criminal history, that is corrected in PSI #2.

There were no additional charges that were filed against Appellant from the writing of PSI #1 to PSI #2. There were no new facts that came to light and no new information was available. However, Appellant did object to the contents of PSI #1, both in terms of prior criminal history and gang affiliation, successfully removing some of that information. *See generally* PSI #1 and PSI #2. Appellant sent a subpoena to P&P requesting, in essence, to answer the question "Why the increased recommended penalty?" P&P responded to the request for documents by sending only the PSI scoring sheet, which had been created on October 27th, 2016 (neither the date of PSI #1 or #2), with no additional information supporting the changed sentencing recommendation from PSI #1 to PSI #2. AA 214-217.

Moreover, PSI #2 appeared to acknowledge that Appellant's gang affiliation was incorrect in PSI #1, but it was still included:

"Mr. Splond denied any gang involvement; however, according to information obtained from the Las Vegas Metropolitan Police Department, the defendant is a

member of the "Rollin 60s Crips". A **booking photograph of Mr. Splond at time of classification as a gang member is the defendant brother.**"

PSI #2, at 3 (emphasis added).

V. LEGAL ARGUMENT

A. THE DISTRICT COURT ERRED BY NOT REINSTITUTING THE OFFER THAT WAS NEVER CONVEYED TO APPELLANT.

"[A]s a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused." Missouri v. Frye, 566 U.S. 133, 145, 132 S.Ct. 1399, 1408, 185 L.Ed.2d 379 (2012). "When defense counsel allowed the offer to expire without advising the defendant or allowing him to consider it, defense counsel did not render the effective assistance the Constitution requires." Id. As the Supreme Court held in Lafler v. Cooper, the Sixth Amendment is not restricted to ensuring only the right to a fair trial, but is applicable to all critical stages of criminal proceedings where the right to effective assistance of counsel is implicated. 566 U.S. 156, 165, 132 S. Ct. 1376, 1385, 182 L. Ed. 2d 398 (2012) As the Court noted "[t]he constitutional guarantee applies to pretrial critical stages that are part of the whole course of a criminal proceeding, a proceeding in which defendants cannot be presumed to make critical decisions without counsel's advice." Id. (change added).

Here, Appellant's Counsel appears to have failed to relay an offer, either effectively or at all. AA 323. The District Court failed to compel the State re-offer the plea deal to Appellant. AA 323-325. The record indicates that once the issue was raised with the Court, the State made it clear that no negotiation was still available to be taken and thus the defendant could not avail himself of the deal. Id.

As the United States Supreme Court noted in Lafler, to argue that a trial wipes away any taint of unconstitutional errors "ignores the reality that criminal justice today is for the most part a system of pleas, not a system of trials." 566 U.S. at 169-70 (*citing* Frye, 566 U.S. at 1386). Where, as here, an error that affects a plea deal "leading to a trial and a more severe sentence, there is the question of what constitutes an appropriate remedy." Cf. Id. at 170. "Sixth Amendment remedies should be 'tailored to the injury suffered from the constitutional violation and should not unnecessarily infringe on competing interests." Id., 1388 (*citing* United States v. Morrison, 449 U.S. 361, 364, 101 S.Ct. 665, 66 L.Ed.2d 564 (1981)). The remedy "must 'neutralize the taint' of a constitutional violation [citation] while at the same time not grant a windfall to the defendant or needlessly squander the considerable resources the State properly invested in the criminal prosecution." Id., 170 (citations omitted).

Here, there is no theoretical prejudice, as but for the alleged error, the Appellant would have acted to secure a lesser sentence. *See Wyeth v. Rowatt*, 126 Nev. 446, 466, 244 P.3d 765, 779 (2010) (“To establish that an error is prejudicial, the movant must show that the error affects the party's substantial rights so that, but for the alleged error, a different result might reasonably have been reached.”). Therefore, to remove the taint of the constitutional violation, Appellant’s conviction should be reversed. *Cf. Laflar*, 566 U.S. at 175.

B. THE DISTRICT COURT ERRED BY ALLOWING THE TESTIMONY OF HABERMAN FOR THE GUN AND UNCHARGED CRIME.

The Fourteenth Amendment to the United States Constitution provides that, “No State shall ... deprive any person of life, liberty, or property, without due process of law” U.S. Const. amend XIV. NRS 48.045(2) also prohibits the use of evidence of “other crimes, wrongs or acts ... to prove the character of a person in order to show that the person acted in conformity therewith.” Such evidence “may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” *Id.* However, “[T]he use of uncharged bad act evidence to convict a defendant is heavily disfavored in our criminal justice system because bad acts are often irrelevant and prejudicial and force the accused to defend against vague and unsubstantiated charges.” *Tavares v. State*, 117 Nev. 725, 730, 30 P.3d 1128, 1131

(2001) (*citing Walker v. State*, 116 Nev. 442, 445, 997 P.2d 803, 806 (2000)). Thus, “[a] presumption of inadmissibility attaches to all prior bad act evidence.”

Bigpond v. State, 128 Nev. Adv. Rep. 10, 270 P.3d 1244, 1249 (2012) (*quoting Rosky v. State*, 121 Nev. 184, 195, 111 P.3d 690, 697 (2005)). “[T]o overcome the presumption of inadmissibility, the prosecutor must request a hearing and establish that: (1) the prior bad act is relevant to the crime charged and for a purpose other than proving the defendant’s propensity, (2) the act is proven by clear and convincing evidence, and (3) the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice.” *Newman v. State*, 129 Nev. Adv. Rep. 24, 298 P.3d 1171, 1178 (2013) (*quoting Bigpond*, 128 Nev. Adv. Rep. 10, 270 P.3d at 1250). Additionally, the district court “should give the jury a specific instruction explaining the purposes for which the evidence is admitted immediately prior to its admission and should give a general instruction at the end of the trial reminding the jurors that certain evidence may be used only for limited purposes.” *Newman*, 129 Nev. Adv. Rep. 24, 298 P.3d at 1178 (*quoting Tavares*, 117 Nev. at 733, 30 P.3d at 1133). “[I]mproper reference to criminal history is a violation of due process since it affects the presumption of innocence; the reviewing court therefore must determine whether the error was harmless beyond a reasonable doubt.” *Manning v. Warden*, 99 Nev. 82, 87, 659 P.2d 847, 850 (1983) (*citing Chapman v. California*, 386 U.S. 18, 24 (1967)). The Nevada Supreme Court

has determined that “the test for determining a reference to criminal history is whether a juror could reasonably infer from the facts presented that the accused had engaged in prior criminal activity.” Homick v. State, 108 Nev. 127, 140, 825 P.2d 600, 608 (1992) (*quoting Manning*, 99 Nev. at 86, 659 P.2d at 850).

Jeffrey Haberman was called by the State to his firearm was stolen and that the Appellant did not have permission to have it, but elicited testimony beyond that implicating another uncharged crime. AA 538-548. Appellant was not charged with the burglary or home invasion associated with Mr. Haberman’s stolen firearm, but a limiting instruction was given to the jury. AA 551-552. However, the State also used Mr. Haberman to opine as to the status of the gun at the time of a picture for which Mr. Haberman had no underlying knowledge (State’s Exhibit 28). AA 543-544. Thus, Haberman testified that Appellant committed the act of home invasion and that the weapon was loaded in a photograph when he had no knowledge to so testify. Appellant was never charged with home invasion or any similar crime and Haberman’s testimony amounted to an uncharged bad act. As indicated, the State failed to place Appellant on notice, but specifically sought the harmful testimony from Haberman. Additionally, the State failed to request a hearing at which it sought to overcome the presumption of inadmissibility. Therefore, the State committed misconduct and deprived Appellant of his right to due process.

Additionally, the State used Mr. Haberman to admit photographs for which he had no foundational knowledge and only served to inflame the jury by increasing the dangerousness of the offense (by the use of a loaded weapon). The evidence was a trifecta of being irrelevant and improperly admitted and prejudicial. NRS 48.015 provides "...“relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence.” NRS 48.015 (2018). NRS 52.015 requires that "...authentication or identification as a condition precedent to admissibility is satisfied by evidence or other showing sufficient to support a finding that the matter in question is what its proponent claims.” Here, the fact that the gun may have been loaded at the time of the photograph provided no relevance to the charges at issue. Moreover, Mr. Haberman was clearly unable to provide the authentication required by NRS 52.015. Finally, the admission of the photo was prejudicial to Appellant for the reasons stated above and only served to inflame the jury concerning the dangerousness of Appellant. While autopsy photograph admission is generally upheld absent an abuse of discretion¹, this case is more analogous to unauthenticated video. This Court will generally “review a district court's decision to admit or exclude evidence for an abuse of discretion.”

¹ See, e.g., Browne v. State, 113 Nev. 305, 314, 933 P.2d 187, 192, *cert. denied*, 522 U.S. 877, 118 S.Ct. 198, 139 L.Ed.2d 136 (1997); Wesley v. State, 112 Nev. 503, 512–13, 916 P.2d 793, 800 (1996), *cert. denied*, 520 U.S. 1126, 117 S.Ct. 1268, 137 L.Ed.2d 346 (1997).

Mclellan v. State, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008). Here, the district court abused its discretion because the photographs were not properly authenticated prior to their admission. See NRS 52.015(1); *see also* Commonwealth v. Koch, 39 A.3d 996, 1005 (Pa.Super.Ct.2011). Additionally, the district court's error was not harmless because the photograph did not “contained factual information or references unique to the parties involved,” Koch, 39 A.3d at 1004; *see also* Rodriguez v. State, 128 Nev. —, —, 273 P.3d 845, 849 (2012) (*citing approvingly to Koch*), thus provided insufficient evidence to establish the identity of the author and support their authenticity, *see* State v. Thompson, 777 N.W.2d 617, 625–26 (N.D.2010). *See, e.g., Zana v. State*, 125 Nev. 541, 545 n. 3, 216 P.3d 244, 247 n. 3 (2009) (reviewing the erroneous admission of evidence for harmless error). Therefore, Appellant is entitled to relief on this ground.

C. THE DISTRICT COURT ERRED BY FAILING TO SUPPRESS EVIDENCE FROM A IMPROPER STOP.

Even investigatory stops by police must be based on something related to what they are seeking. In the case at bar, there is no indication of any facts, other than being in the vicinity of the robbery that gave police any basis for an investigatory stop. During the hearing conducted by the District Court on suppression, the officer could not articulate any specific facts to justify the initial traffic stop. AA 395-426.

This court will uphold the district court's decision regarding suppression unless this court is "left with the definite and firm conviction that a mistake has been committed." United States v. Gypsum Co., 333 U.S. 364, 395, 68 S.Ct. 525, 92 L.Ed. 746 (1948), *quoted in* State v. Harnisch, 113 Nev. 214, 219, 931 P.2d 1359, 1363 (1997). " '[F]indings of fact in a suppression hearing will not be disturbed on appeal if supported by substantial evidence.' " Harnisch, 113 Nev. at 219, 931 P.2d at 1363 (*quoting* State v. Miller, 110 Nev. 690, 694, 877 P.2d 1044, 1047 (1994)). "Substantial evidence is that evidence which a reasonable mind might accept as adequate to support a conclusion." Bopp v. Lino, 110 Nev. 1246, 1249, 885 P.2d 559, 561 (1994).

The Fourth Amendment to the United States Constitution provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated," and that "no Warrants shall issue, but upon probable cause." Article I, Section 18 of the Nevada Constitution similarly provides, "[t]he right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause " Under these provisions of our federal and state constitutions, warrantless searches "are per se unreasonable ... subject only to a few specifically established and well-delineated exceptions." Katz v. United States, 389 U.S. 347, 357, 88 S.Ct. 507, 19

L.Ed.2d 576 (1967); Hughes v. State, 116 Nev. 975, 979, 12 P.3d 948, 951 (2000).

One such exception is the "automobile exception." However, even an automobile stop requires probable cause. *See generally* State v. Lloyd, 129 Nev. Adv. Op. 79, 331 P.3d 467 (2013).

While probable cause could be found if the suspect was " ... reasonably within the area of the robbed office and met a reasonable description of the robber", the driver of the vehicle was female and there were no indications of an accomplice or a vehicle. Johnson v. State, 86 Nev. 52, 54, 464 P.2d 465, 466 (1970), *see also* Franklin v. State, 96 Nev. 417 (1980). Conversely, not even reasonable suspicion is found for situations like this, where for instance, a person standing in a "high drug area" is conversing with others and doesn't wish to speak with police. An individual's presence in an area of expected criminal activity, by itself, is not enough to support a reasonable, particularized suspicion that the person is committing a crime. Brown v. Texas, 443 U.S. 47, 99 S.Ct. 2637, 61 L.Ed.2d 357 (1979); *see also* Illinois v. Wardlow, 528 U.S. 119, 124, 120 S. Ct. 673, 676, 145 L. Ed. 2d 570 (2000).

As a general matter, if the state obtains evidence in violation of a suspect's constitutional rights, the evidence must be excluded from trial. *See* Mapp v. Ohio, 367 U.S. 643 (1961); State v. Carter, 322 N.C. 709, 370 S.E.2d 553 (1988). While not automatic, the exclusionary rule operates as a judicially created remedy

designed to safeguard against future violations Fourth Amendment rights through the rule's general deterrent effect. *See U.S. v. Leon*, 468 U.S. 897; *U.S. v. Calandra*, 414 U.S. 338; *Arizona v. Evans*, 514 U.S. 1 (1995). Here the conduct complained of was by the arresting officer himself and the application of the exclusionary rule is strongest under any analysis. Moreover, the Officer's subjective intentions are not in question, but his objective reasons for stopping the vehicle. As he provided no objective reasons for stopping the Appellant's vehicle, except for a desire to search vehicles close to the robbery, the Court's ruling was not supported by substantial evidence and should be overturned. If the stop was improper, then the evidence seized as a result of the stop should have been suppressed. Accordingly, Appellant should be granted a new trial using only evidence lawfully obtained.

D. THE COURT RELIED ON A FLAWED PRESENTENCING INVESTIGATION REPORT IN SENTENCING APPELLANT.

A sentencing judge may consider a "... wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant." *Martinez v. State*, 114 Nev. 735, 738 (Nev. 1998). On the other hand, the Court is not permitted to consider impalpable and highly suspect evidence. *Goodson v. State*, 98 Nev. 493, 495-96, 654 P.2d 1006, 1007(1982). Material information is "unreliable" if it "lacks 'some minimal indicium of

reliability beyond mere allegation.” United States v. Ibarra, 737 F.2d 825, 827 (9th Cir. 1984) *quoting* United States v. Baylin, 696 F.2d 1030, 1040 (3rd Cir. 1982). Moreover, while a district court has wide latitude in considering evidence, “...the district court must refrain from punishing a defendant for prior uncharged crimes.” Denson v. State, 112 Nev. 489, 494 (Nev. 1996); *citing* Sheriff v. Morfin, 107 Nev. 557, 561, 816 P.2d 453, 455 (1991); *see also* Riker v. State, 111 Nev. 1316, 1326-27, 905 P.2d 706, 712-13 (1995).

Under the Stockmeier opinion, a defendant must object to his PSI at the time of sentencing. Stockmeier v. State, Bd. of Parole Comm'rs, 127 Nev. 243, 249, 255 P.3d 209, 213 (2011). Stockmeier requires that the defendant not only object to disputed factual statements that affect his sentence, but he must also object to “...any significant inaccuracy [which] could follow a defendant into the prison system and be used to determine his classification, placement in certain programs, and eligibility for parole...” Stockmeier, 255 P.3d 209, 214 (Nev. 2011). Stockmeier concludes that “...thus, the defendant must promptly seek to correct any alleged inaccuracies to prevent the Department of Corrections from relying on a PSI that could not later be changed.” Stockmeier, at 214 (Nev. 2011); *See* NRS 176.159(1); *see also* United States Dept. of Justice v. Julian, 486 U.S. 1, 5-6, 108 S.Ct. 1606, 100 L.Ed.2d 1 (1988). However, the Stockmeier opinion also makes it clear that the Division of Parole and Probation has statutory duties in regards to the

defendant's PSI, demarked by the citation "*See generally* NRS 176.133–.159; NRS 213.1071–.1078; NRS 213.1092–.10988." Stockmeier, at 213 (Nev. 2011).

Contained within the Nevada Supreme Court's citations in Stockmeier is the requirement that:

“The Chief Parole and Probation Officer shall adopt by regulation standards to assist him or her in formulating a recommendation regarding the granting of probation or the revocation of parole or probation to a convicted person who is otherwise eligible for or on probation or parole. **The standards must be based upon objective criteria for determining the person's probability of success on parole or probation.**”

NRS 213.10988 (2018) (emphasis added). This statutory duty is reflected in NAC 213.590 and in the Probation Success Probability form adopted by the Division of Parole and probation. *See* NAC 213.590 (2018). The numerical scoring from the Probation Success Probability form is then used on the Sentence Recommendation Selection Scale (“SRSS”) form, resulting in a term of incarceration or recommendation of probation. *See* NAC 213.600. While the form itself provides for scoring deviation, that deviation must be explained from results reached by using the **objective** standards provided for under NAC 213.590.

Because Appellant's sentence was increased *after* mistaken or highly suspect information was removed he was denied due process under the Fourteenth Amendment. Moreover, the Division of Parole and Probation had no records

supporting the change, effectively denying a defendant's counsel access to the Divisions scoring documents and supporting documentation, violating Appellant's Sixth Amendment right to effective assistance of counsel at sentencing. No materials were forthcoming from P&P to explain the increased sentence recommended by P&P despite the decrease in dangerousness of Appellant's prior erroneous criminal background. As such, P&P's recommendations were inflammatory and arbitrary.

"The sentencing judge has wide discretion in imposing a sentence, and that determination will not be overruled absent a showing of abuse of discretion."

Norwood v. State, 112 Nev. 438, 440, 915 P.2d 277, 278 (1996) (*citing* Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987)). "A sentencing court is privileged to consider facts and circumstances which would clearly not be admissible at trial." Norwood, 112 Nev. at 440, 915 P.2d at 278 (1996) (*citing* Silks v. State, 92 Nev. 91, 93-94, 545 P.2d 1159, 1161 (1976)). "Absent an abuse of discretion, the district court's determination will not be disturbed on appeal." Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993) (*citing* Deveroux v. State, 96 Nev. 388, 610 P.2d 722 (1980)). Where an arbitrary or prejudicial factors remains, the sentence must be reversed. Hollaway v. State, 116 Nev. 732, 742-43, 6 P.3d 987, 994 (2000).

This Court has held that the prosecutor should refrain from making inflammatory arguments during sentencing. Id., at 742-43, 6 P.3d at 994 (*citing* Quillen v. State, 112 Nev. 1369, 1382, 929 P.2d 893, 901 (1996)). It is submitted to this Court that if the State is so constrained, another arm of the State, like Parole and Probation, cannot make inflammatory or impalpable statements. Argument must be made by facts and inferences supported by the record. Thomas, 120 Nev. at 48, 83 P.3d at 825 (*citing* Williams v. State, 103 Nev. 106, 110, 734 P.2d 700, 703 (1987)).

At sentencing, the State, through P&P, made numerous inflammatory arguments and acknowledged that it was using possibly erroneous facts to recommend consecutive sentences for Appellant. AA 840-841, 836-837. Moreover, P&P previously acknowledged that there was no explainable basis for the differences in the PSI recommendations and certainly nothing that comported with its statutory duties. AA 825-827.

While such statements, as contained in P&P's report, play well to inflame the senses, the State should not make statements which encourage the imposing of "a sentence under the influence of passion[.]" Id. at 743, 6 P.3d at 994 (*citing* Quillen, *supra*).

"The sentencing judge has wide discretion in imposing a sentence, and that determination will not be overruled absent a showing of abuse of discretion."

Norwood v. State, 112 Nev. 438, 440, 915 P.2d 277, 278 (1996) (*citing* Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987)). However, the State's misconduct so infected the proceedings, Appellant's due process rights were violated. The Court's arbitrary imposition of the sentence deprived Appellant of his constitutional right to a fair trial under the Fourteenth Amendment. *See* Duckett v. State, 104 Nev. 6, 10, 752 P.2d 752, 754 (1988) (*citing* Estelle v. Williams, 425 U.S. 501, 96 S.Ct. 1691, 48 L.Ed.2d 126 (1976); Elledge v. Dugger, 823 F.2d 1439 (11th Cir. 1987), *modified on other grounds by*, 833 F.2d 250 (11th Cir. 1987)). Therefore, this Court should remand to the district court for resentencing.

E. THE CUMULATIVE EFFECT OF ERRORS VIOLATED APPELLANT'S CONSTITUTIONAL RIGHTS.

When reviewing for cumulative error, this Court determines whether "[t]he cumulative effect of error may violate a defendant's constitutional right to a fair trial even though errors are harmless individually." Valdez v. State, 124 Nev. 1172, 1195, 196 P.3d 465, 481 (2008) (*citing* Hernandez v. State, 118 Nev. 513, 535, 50 P.3d 1100, 1115 (2002)). This Court considers "(1) whether the issue of guilt was close, (2) the quantity and character of the error, and (3) the gravity of the crime charged." *Id.*, 196 P.3d at 1195 (*citing* Mulder v. State, 116 Nev. 1, 17, 992 P.2d 845, 854-55 (2000)). "We have stated that if the cumulative effect of

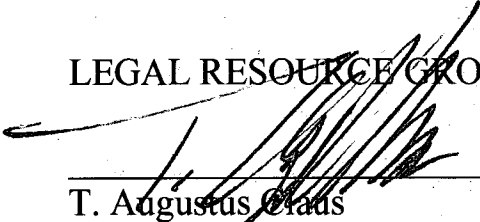
errors committed at trial denies the appellant his right to a fair trial, this court will reverse the conviction.” DeChant v. State, 116 Nev. 918, 927, 10 P.3d 108, 114 (2000) (*citing* Big Pond v. State, 101 Nev. 1, 3, 692 P.2d 1288, 1289 (1985)).

The magnitude of error committed by the District Court in sentencing Appellant, as well as the other improprieties in the record, amounted to violations of Appellant’s constitutional rights. The cumulative effect of these errors amounted to a violation of Appellant’s constitutional right to a fair trial, and his right to be free from cruel and unusual punishment by the imposition of a sentence that was not imposed by passion or prejudice.

VI. CONCLUSION

As argued above, Appellant’s conviction and sentence must be overturned, and Appellant sent back to the district court for a new trial or in the alternative a new sentencing.

LEGAL RESOURCE GROUP, LLC


T. Augustus Claus
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
Telephone: (702) 463-4900
Fax: (702) 463-4800
Attorney for Appellant

CERTIFICATE OF COMPLIANCE

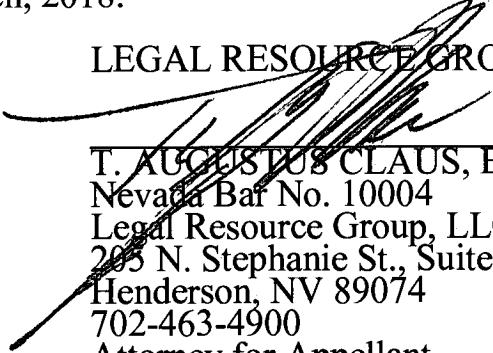
1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in font size 14 and a type style of Times New Roman.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either proportionately spaced, has a typeface of 14 points or more and does not exceed 30 pages or 15,000 words and 1300 lines of text, in that the brief contains approximately 6640 words and less than 550 lines of text.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED on this 7th day of March, 2018.

LEGAL RESOURCE GROUP, LLC


T. AUGUSTUS CLAUS, ESQ.
Nevada Bar No. 10004
Legal Resource Group, LLC
205 N. Stephanie St., Suite D221
Henderson, NV 89074
702-463-4900
Attorney for Appellant

CERTIFICATE OF SERVICE

Pursuant to NRAP 4(b) and NRAP 25, I hereby certify that I am an employee of **LEGAL RESOURCE GROUP, LLC.**, and that on the 5th day of March, 2018, I caused the foregoing **Opening Brief for Appellant Kenya Splond** to be served as follows:

- ☒ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- [] pursuant to EDCR 7.26, by sending it via facsimile; and/or
- [] by hand delivery via runner

to the attorneys listed below:

DISTRICT ATTORNEY'S OFFICE
Clark County District Attorney
200 South Lewis Avenue
Las Vegas, Nevada 89101

ADAM PAUL LAXALT
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701


An Employee of the Legal Resource Group,
LLC.

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 72545

KENYA SPLOND
Appellant,

vs.

STATE OF NEVADA
Respondent.

Appeal from a Judgment of Conviction
Eighth Judicial District Court, Clark County
The Honorable Elizabeth Gonzalez, District Court

APPENDIX VOL 1

T. AUGUSTUS CLAUS, ESQ.
Legal Resource Group, LLC.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
Telephone: (702) 463-4900
Fax: (702) 463-4800
Attorney for KENYA SPLOND

000031

TABLE OF CONTENTS

Register of Actions.....	AA-000001-AA-000008
Indictment.....	AA-000009-AA-000012
Indictment Return.....	AA-000013-AA-000014
Indictment Warrant Return.....	AA-000015-AA-000017
Grand Jury Transcript.....	AA-000018- AA-000069
Notice of Witnesses.....	AA-000070-AA-000071
Supplemental Notice of Witnesses.....	AA-000072-AA-000074
Motion to Consolidate.....	AA-000075-AA-000080
Amended Indictment.....	AA-000081-AA-000084
Notice of Witnesses.....	AA-000085-AA-000109
Supplemental Notice of Witnesses.....	AA-000110-AA-000112
Notice of Witnesses.....	AA-000113-AA-000134
Notice to Place on Calendar.....	AA-000135-AA-000136
Motion to Produce and Preserve.....	AA-000137-AA-000149
Motion to Suppress Evidence.....	AA-000150-AA-000160
Instructions to the Jury.....	AA-000161-AA-000192
Verdict.....	AA-000193-AA-000195
Motion to Produce and Preserve.....	AA-000137-AA-000217
Opposition Motion to Produce and Preserve.....	AA-000218-AA-000222

000032

Judgement of Conviction.....	AA-000223-AA-000225
Notice of Appeal.....	AA-000226-AA-000229
Request for Transcript.....	AA-000230-AA-000233
Case Appeal Statement.....	AA-000234-AA-000236
Request for Transcript.....	AA-000237-AA-000240
Transcript of Initial Arraignment.....	AA-000241-AA-000243
Transcript of Calendar Call.....	AA-000244-AA-000245
Transcript of Negotiation.....	AA-000246-AA-000248
Transcript of Negotiation.....	AA-000249-AA-000250

[Skip to Main Content](#) [Logout](#) [My Account](#) [My Cases](#) [Search Menu](#) [New District Criminal](#)
[Search](#) [Refine Search](#) [Back](#)

Location : District Court Criminal [Images](#) [Help](#)

REGISTER OF ACTIONS

CASE No. C-14-296374-1

State of Nevada vs Kenya Splond

§
§
§
§
§
§
§
§
§
§

Case Type: **Felony/Gross Misdemeanor**

Date Filed: **03/05/2014**

Location: **Department 11**

Cross-Reference Case Number: **C296374**

Defendant's Scope ID #: **1138461**

Grand Jury Case Number: **13AGJ118**

ITAG Case ID: **1578659**

Supreme Court No.: **72545**

RELATED CASE INFORMATION

Related Cases

C-14-296374-2 (Multi-Defendant Case)

C-14-300105-1 (Consolidated)

PARTY INFORMATION

Defendant **Splond, Kenya** *Also Known As* **Splond, Kenny**
 Other Agency Numbers
 1138461 Scope ID Subject Identifier

Lead Attorneys
T. Augustus Claus
Retained
 702-463-4900(W)

Plaintiff **State of Nevada**

Steven B Wolfson
 702-671-2700(W)

CHARGE INFORMATION

Charges: Splond, Kenya	Statute	Level	Date
1. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	02/02/2014
2. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060.4	Felony	02/02/2014
3. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	02/02/2014
4. POSSESSION OF STOLEN PROPERTY	205.275.2c	Felony	02/02/2014
5. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060.4	Felony	01/22/2014
6. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	01/22/2014
7. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060.4	Felony	01/28/2014
8. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	01/28/2014

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

03/12/2014 (Judicial Officer: Gonzalez, Elizabeth)

1. CONSPIRACY TO COMMIT ROBBERY
Not Guilty
2. BURGLARY WHILE IN POSSESSION OF A FIREARM
Not Guilty
3. ROBBERY WITH USE OF A DEADLY WEAPON
Not Guilty
4. POSSESSION OF STOLEN PROPERTY
Not Guilty
5. BURGLARY WHILE IN POSSESSION OF A FIREARM
Not Guilty

000034

AA000001

	6. ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty
	7. BURGLARY WHILE IN POSSESSION OF A FIREARM Not Guilty
	8. ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 1. CONSPIRACY TO COMMIT ROBBERY Guilty 2. BURGLARY WHILE IN POSSESSION OF A FIREARM Guilty 3. ROBBERY WITH USE OF A DEADLY WEAPON Guilty 4. POSSESSION OF STOLEN PROPERTY Guilty 5. BURGLARY WHILE IN POSSESSION OF A FIREARM Guilty 6. ROBBERY WITH USE OF A DEADLY WEAPON Guilty 7. BURGLARY WHILE IN POSSESSION OF A FIREARM Guilty 8. ROBBERY WITH USE OF A DEADLY WEAPON Guilty
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 1. CONSPIRACY TO COMMIT ROBBERY Sentenced to Nevada Dept. of Corrections Term: Minimum:12 Months, Maximum:60 Months
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 2. BURGLARY WHILE IN POSSESSION OF A FIREARM Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:156 Months Concurrent: Charge 1
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 3. ROBBERY WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:156 Months Consecutive Enhancement:for use of a deadly weapon, Minimum:28 Months, Maximum:156 Months Concurrent: Charge 2 Other Fees
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 4. POSSESSION OF STOLEN PROPERTY Sentenced to Nevada Dept. of Corrections Term: Minimum:24 Months, Maximum:60 Months Concurrent: Charge 1 through 3
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 5. BURGLARY WHILE IN POSSESSION OF A FIREARM Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:156 Months Concurrent: Charge 1 through 4
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 6. ROBBERY WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:156 Months Consecutive Enhancement:for use of a deadly weapon, Minimum:28 Months, Maximum:156 Months Concurrent: Charge 5
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 7. BURGLARY WHILE IN POSSESSION OF A FIREARM Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:156 Months Consecutive: Charge - to the other COUNTS
02/06/2017	(Judicial Officer: Gonzalez, Elizabeth) 8. ROBBERY WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:156 Months Consecutive Enhancement:for use of a deadly weapon, Minimum:28 Months, Maximum:156 Months

000035

AA000002

Concurrent: Charge 7
 Credit for Time Served: 935 Days
 Fee Totals:
 Administrative
 Assessment Fee \$25 \$25.00
 Genetic Marker
 Analysis AA Fee \$3 \$3.00
 Indigent Defense Civil
 Assessment Fee - ASK \$250.00
 Fee Totals \$ \$278.00
 Comment (DNA fee and testing WAIVED, previously submitted)

OTHER EVENTS AND HEARINGS

03/05/2014 [Grand Jury Indictment](#) (11:45 AM) (Judicial Officer Bell, Linda Marie)
 [Parties Present](#)
 [Minutes](#)
 Result: Matter Heard
 03/05/2014 **CANCELED Grand Jury Indictment** (11:45 AM) (Judicial Officer Bell, Linda Marie)
 Vacated - On In Error
 03/05/2014 [Indictment](#)
 Indictment
 03/05/2014 [Warrant](#)
 Indictment Warrant
 03/07/2014 [Indictment Warrant Return](#)
 03/10/2014 [Transcript of Proceedings](#)
 Reporter's Transcript of Proceedings, Grand Jury Hearing, March 4, 2014
 03/12/2014 **Initial Arraignment** (8:00 AM) (Judicial Officer Smith, Douglas E.)
 Result: Plea Entered
 03/12/2014 **Indictment Warrant Return** (8:00 AM) (Judicial Officer Smith, Douglas E.)
 Result: Matter Heard
 03/12/2014 [All Pending Motions](#) (8:00 AM) (Judicial Officer Smith, Douglas E.)
 [Parties Present](#)
 [Minutes](#)
 Result: Matter Heard
 03/19/2014 [Notice of Witnesses and/or Expert Witnesses](#)
 Notice of Witnesses
 04/02/2014 [Calendar Call](#) (8:00 AM) (Judicial Officer Smith, Douglas E.)
 [Parties Present](#)
 [Minutes](#)
 Result: Set Status Check
 04/07/2014 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer Smith, Douglas E.)
 Vacated - per Judge
 04/30/2014 [Status Check](#) (8:00 AM) (Judicial Officer Smith, Douglas E.)
 Status Check: Negotiations/Reset Trial
 [Parties Present](#)
 [Minutes](#)
 Result: Trial Date Set
 06/16/2014 [Status Check](#) (8:00 AM) (Judicial Officer Smith, Douglas E.)
 06/16/2014, 07/14/2014
 STATUS CHECK: POSSIBLE NEGOTIATIONS
 [Parties Present](#)
 [Minutes](#)
 Result: Matter Continued
 07/16/2014 [Status Check](#) (8:00 AM) (Judicial Officer Smith, Douglas E.)
 Status Check: Trial Date
 [Parties Present](#)
 [Minutes](#)
 Result: Matter Heard
 08/07/2014 [Notice of Witnesses and/or Expert Witnesses](#)
 Supplemental Notice of Witnesses
 08/13/2014 [Calendar Call](#) (8:00 AM) (Judicial Officer Smith, Douglas E.)
 [Parties Present](#)
 [Minutes](#)
 01/28/2015 Reset by Court to 08/13/2014

000036

AA000003

08/18/2014 Result: Matter Heard
CANCELED Jury Trial (9:30 AM) (Judicial Officer Smith, Douglas E.)
Vacated
02/02/2015 Reset by Court to 08/18/2014

09/08/2014 **Status Check: Negotiations/Trial Setting** (8:00 AM) (Judicial Officer Smith, Douglas E.)
09/08/2014, 09/15/2014, 10/01/2014
STATUS CHECK: NEGOTIATIONS
[Parties Present](#)
[Minutes](#)

03/03/2015 Result: Matter Continued
Notice of Motion
Notice of Motion and Motion to Consolidate

03/18/2015 **Motion to Consolidate** (8:00 AM) (Judicial Officer Smith, Douglas E.)
State's Motion to Consolidate
[Parties Present](#)
[Minutes](#)

04/08/2015 Result: Motion Granted
Request (8:00 AM) (Judicial Officer Smith, Douglas E.)
DA's Request: States Request to File an Amended Indictment
[Parties Present](#)
[Minutes](#)

04/08/2015 Result: Matter Heard
Amended Indictment
Amended Indictment

04/15/2015 **Status Check** (8:00 AM) (Judicial Officer Smith, Douglas E.)
04/15/2015, 04/20/2015
STATUS CHECK: STATUS OF CASE
[Parties Present](#)
[Minutes](#)

04/22/2015 Result: Matter Continued
Confirmation of Counsel (8:00 AM) (Judicial Officer Smith, Douglas E.)
CONFIRMATION OF COUNSEL (KOHN)
[Parties Present](#)
[Minutes](#)

05/20/2015 Result: Matter Heard
CANCELED Calendar Call (8:00 AM) (Judicial Officer Barker, David)
Vacated

05/26/2015 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer Smith, Douglas E.)
Vacated

07/29/2015 **Status Check** (8:00 AM) (Judicial Officer Smith, Douglas E.)
07/29/2015, 08/12/2015
STATUS CHECK: TRIAL READINESS
[Parties Present](#)
[Minutes](#)

08/03/2015 Result: Matter Continued
Notice
Notice of Expert Witnesses and Witnesses

08/12/2015 **Notice of Witnesses and/or Expert Witnesses**
Second Supplemental Notice of Witnesses

08/19/2015 **Calendar Call** (8:00 AM) (Judicial Officer Smith, Douglas E.)
[Parties Present](#)
[Minutes](#)

08/24/2015 Result: Matter Heard
CANCELED Jury Trial (9:00 AM) (Judicial Officer Smith, Douglas E.)
Vacated

08/25/2015 **Notice of Witnesses and/or Expert Witnesses**
Notice of Expert Witnesses (NRS 174.234 (2))

09/24/2015 **Notice**
Notice to Place on Calendar

10/05/2015 **Motion to Continue Trial** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Defendant's Motion to Place on Calendar for the Purpose of Continuing Trial Date
[Parties Present](#)
[Minutes](#)

Result: Motion Granted

000037

AA000004

10/14/2015 **CANCELED Calendar Call** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Vacated - per Judge

10/19/2015 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer Smith, Douglas E.)
Vacated - per Judge

12/30/2015 **Calendar Call** (8:00 AM) (Judicial Officer Smith, Douglas E.)
12/30/2015, 01/04/2016
[Parties Present](#)
[Minutes](#)
Result: Matter Continued

01/11/2016 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer Smith, Douglas E.)
Vacated - per Judge

01/11/2016 **Status Check: Reset Trial Date** (8:00 AM) (Judicial Officer Smith, Douglas E.)
[Parties Present](#)
[Minutes](#)
Result: Trial Date Set

03/02/2016 **Calendar Call** (8:00 AM) (Judicial Officer Smith, Douglas E.)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

03/11/2016 **Overflow** (8:30 AM) (Judicial Officer Barker, David)
OVERFLOW (8): A.LEXIS/T.CLAUS / 13-15 WITS / 4-5 DAYS
[Parties Present](#)
[Minutes](#)
Result: Trial Date Set

03/11/2016 **Telephonic Conference** (9:30 AM) (Judicial Officer Gonzalez, Elizabeth)
Telephonic Conference at Request of Counsel
[Parties Present](#)
[Minutes](#)
Result: Trial Date Set

03/14/2016 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer Smith, Douglas E.)
Vacated - per Judge

03/15/2016 **Jury Trial** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
[Parties Present](#)
[Minutes](#)
Result: Set Status Check

03/15/2016 **Motion**
Motion to Produce and Preserve Evidence

03/16/2016 **Status Check** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
Status Check: Resetting Trial
Result: Trial Date Set

03/16/2016 **Motion** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
Defendant's Motion to Produce and Preserve Evidence
03/28/2016 Reset by Court to 03/16/2016
Result: Granted in Part

03/16/2016 **All Pending Motions** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

03/18/2016 **Status Check** (9:30 AM) (Judicial Officer Gonzalez, Elizabeth)
Status Check: Discovery
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

03/18/2016 **Motion**
Motion to Suppress Evidence Obtained as Result of Illegal Stop

03/21/2016 **Jury Trial** (2:00 PM) (Judicial Officer Gonzalez, Elizabeth)
03/21/2016, 03/22/2016, 03/23/2016, 03/24/2016
[Parties Present](#)
[Minutes](#)
03/21/2016 Reset by Court to 03/21/2016
Result: Trial Continues

000038

AA000005

03/21/2016 [Motion](#) (1:00 PM) (Judicial Officer Gonzalez, Elizabeth)
Defendant's Motion to Suppress Evidence Obtained as Result of Illegal Stop
[Parties Present](#)
[Minutes](#)
 03/28/2016 *Reset by Court to 03/21/2016*
 Result: Denied

03/22/2016 [Jury List](#)
 03/23/2016 [Amended Jury List](#)
 03/24/2016 [Instructions to the Jury](#)
 03/24/2016 [Verdict](#)
 05/11/2016 [PSI](#)
 07/05/2016 [PSI - Supplemental PSI](#)
 07/20/2016 [Sentencing](#) (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
07/20/2016, 08/10/2016, 09/07/2016, 10/12/2016, 11/23/2016, 12/21/2016, 01/09/2017, 01/23/2017, 02/06/2017
[Parties Present](#)
[Minutes](#)
 05/25/2016 *Reset by Court to 06/08/2016*
 06/08/2016 *Reset by Court to 07/20/2016*
 11/16/2016 *Reset by Court to 11/23/2016*
 01/09/2017 *Reset by Court to 01/09/2017*
 01/09/2017 *Reset by Court to 01/09/2017*
 Result: Matter Continued

12/20/2016 [Motion](#)
Motion to Compel Production of Subpoenaed Materials

01/02/2017 **Case Reassigned to Department 1**
Case reassigned from Judge Elizabeth Gonzalez Dept 11

01/05/2017 [Opposition to Motion](#)
Opposition to Motion to Compel Production of Subpoenaed Materials

01/09/2017 **Motion to Compel** (9:00 AM) (Judicial Officer Cory, Kenneth)
01/09/2017, 01/23/2017
Defendant's Motion to Compel Production of Subpoenaed Materials
 01/04/2017 *Reset by Court to 01/09/2017*
 01/09/2017 *Reset by Court to 01/09/2017*
 Result: Continued

01/09/2017 **All Pending Motions** (9:00 AM) (Judicial Officer Cory, Kenneth)
DEFENDANT'S MOTION TO COMPEL PRODUCTION OF SUBPOENAED MATERIALS...SENTENCING
[Parties Present](#)
[Minutes](#)
 Result: Matter Heard

01/23/2017 **All Pending Motions** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
[Parties Present](#)
[Minutes](#)
 Result: Matter Heard

02/13/2017 **Judgment of Conviction**
JUDGMENT OF CONVICTION (JURY TRIAL)

03/02/2017 **Notice of Appeal (criminal)**
Notice of Appeal

03/02/2017 **Request**
Request for Rough Draft Transcripts

03/02/2017 **Case Appeal Statement**
Case Appeal Statement

03/02/2017 **Request**
Request for Rough Draft Transcript

03/10/2017 **Recorders Transcript of Hearing**
Transcript of Proceedings Status Check: Indictment Return in C296374, Initial Arraignment, Indictment Warrant Return. Heard on March 1

03/10/2017 **Recorders Transcript of Hearing**
Transcript of Proceedings Calendar Call. Heard on April 2, 2014

03/10/2017 **Recorders Transcript of Hearing**
Transcript of Proceedings Status Check: Negotiations/Reset Trial. Heard on April 30, 2014

03/10/2017 **Recorders Transcript of Hearing**
Transcript of Proceedings Status Check: Possible Negotiations. Heard on June 16, 2014

03/10/2017 **Recorders Transcript of Hearing**
Transcript of Proceedings Status Check: Possible Negotiations. Heard on July 14, 2014

03/10/2017 **Recorders Transcript of Hearing**
Transcript of Proceedings Status Check: Trial Date. Heard on July 16, 2014

000039

AA000006

03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Calendar Call. Heard on August 13, 2014</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Negotiations. Heard on September 8, 2014</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Negotiations. Heard on September 15, 2014</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Negotiations. Heard on October 1, 2014</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings State's Motion to Consolidate. Heard on March 18, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings State's Request: To File an Amended Indictment. Heard on April 8, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Status of Case. Heard on April 15, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Status of Case. Heard on April 20, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Confirmation of Counsel. Heard on April 22, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Trial Readiness. Heard on July 29, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Trial Readiness. Heard on August 12, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Calendar Call. Heard on August 19, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceeding Defendant's Motion to Place on Calendar for the Purpose of Continuing Trial date Revocation of Probation. Hear October 5, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Calendar Call. Heard on December 30, 2015</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Reset Trial Date. Heard on January 11, 2016</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Calendar Call. Heard on March 2, 2016</i>
03/10/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Calendar Call. Heard on January 4, 2016</i>
03/13/2017	Recorders Transcript of Hearing <i>Recorder's Transcript Re: Overflow - 3/11/2016</i>
03/20/2017	Transcript of Proceedings <i>Recorder's Transcript Re: Defendant's Motion to Compel Production of Subpoenaed Materials January 9, 2017 Sentencing 01-09-17</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Telephone Conference 3/11/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 1 3/15/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Hearing on Defendant's Motion to Produce and Preserve Evidence and Status Check Resetting Trial 3/16/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Status Check 3/18/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Sentencing 7/20/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Sentencing (continued) 8/10/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Sentencing (continued) 9/7/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Sentencing (continued) 10/12/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Sentencing (continued) 11/23/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Sentencing (continued) 12/21/16</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Defendant's Motion to Compel Production of Subpoenaed Materials 1/23/17</i>
03/22/2017	Reporters Transcript <i>Transcript of Proceedings: Sentencing (continued) 2/6/17</i>
04/19/2017	Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 1</i>
04/19/2017	Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 2</i>
04/19/2017	Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 3</i>
04/19/2017	Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 4</i>

000040

AA000007

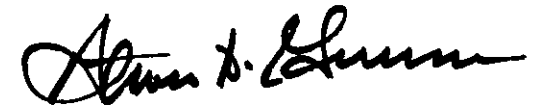
08/09/2017	Minute Order (9:30 AM) (Judicial Officer Gonzalez, Elizabeth) <i>Minute Order Setting Hearing</i> Minutes
09/01/2017	Result: Minute Order - No Hearing Held CANCELED Hearing (8:30 AM) (Judicial Officer Gonzalez, Elizabeth) <i>Vacated</i> <i>Hearing re: P & P's request</i>

FINANCIAL INFORMATION

	Defendant Splond, Kenya	
	Total Financial Assessment	278.00
	Total Payments and Credits	0.00
	Balance Due as of 09/28/2017	278.00
03/14/2017	Transaction Assessment	278.00

000041

AA000008



CLERK OF THE COURT

1 **IND**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **AGNES LEXIS**
6 **Deputy District Attorney**
7 **Nevada Bar #011064**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

KENYA SPLOND, aka,
Kenny Splond, #1138461
KELLIE ERIN CHAPMAN,
#1681308

Defendant.

CASE NO: C-14-296374-1

DEPT NO: VIII

INDICTMENT

STATE OF NEVADA }
COUNTY OF CLARK } ss.

The Defendant above named, KENYA SPLOND, aka, Kenny Splond and KELLIE ERIN CHAPMAN, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380,199.480 - 50147); BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - 50426); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - 50138) and POSSESSION OF STOLEN PROPERTY (Category B Felony - NRS 205.275(2)(c) - 56060), committed at and within the County of Clark, State of Nevada, on or about the 2nd day of February, 2014, as follows:

///

///

///

1 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

2 Defendants KENYA SPLOND, aka, Kenny Splond and KELLIE ERIN CHAPMAN
3 did, then and there meet with each other and between themselves, and each of them with the
4 other, wilfully, unlawfully, and feloniously conspire and agree to commit robbery, and in
5 furtherance of said conspiracy, defendants did commit the acts as set forth in Count 2 and 3,
6 said acts being incorporated by reference as though fully set forth herein.

7 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

8 Defendants KENYA SPLOND, aka, Kenny Splond and KELLIE ERIN CHAPMAN
9 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit robbery,
10 that certain building occupied by STAR MART, located at 5001 North Rainbow, Las Vegas,
11 Clark County, Nevada, said Defendant did possess and/or gain possession of a firearm during
12 the commission of the crime and/or before leaving the structure, to wit: (1) by directly
13 committing this crime and /or (2) by aiding and abetting in the commission of this crime, with
14 the intent that this crime be committed, by providing counsel and/or encouragement and by
15 entering into a course of conduct whereby Defendant KENYA SPLOND entered Star Mart,
16 located at 5001 N. Rainbow Boulevard, Las Vegas, Clark County, Nevada with a firearm and
17 demanded money and/or cigarettes and/or gum from BRITTANY SLATHAR and took
18 cigarettes and/or gum while Defendant KELLIE CHAPMAN provided Defendant KENYA
19 SPLOND transportation to the Star Mart prior to the robbery and/or acted as a getaway driver
20 and/or look-out and both Defendants fled the scene together and/or (3) pursuant to a
21 conspiracy to commit this crime.

22 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

23 Defendants KENYA SPLOND, aka, Kenny Splond and KELLIE ERIN CHAPMAN
24 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:
25 cigarettes and gum, from the person of BRITTANY SLATHAR, or in her presence, by means
26 of force or violence, or fear of injury to, and without the consent and against the will of
27 BRITTANY SLATHAR, with use of a deadly weapon, to-wit: a handgun, to wit: (1) by
28 directly committing this crime and /or (2) by aiding and abetting in the commission of this

1 crime, with the intent that this crime be committed, by providing counsel and/or
2 encouragement and by entering into a course of conduct whereby Defendant KENYA
3 SPLOND entered Star Mart, located at 5001 N. Rainbow Boulevard, Las Vegas, Clark County,
4 Nevada with a firearm and demanded money and/or cigarettes and/or gum from BRITTANY
5 SLATHAR and took cigarettes and/or gum while Defendant KELLIE CHAPMAN provided
6 Defendant KENYA SPLOND transportation to the Star Mart prior to the robbery and/or acted
7 as a getaway driver and/or look-out and both Defendants fled the scene together and/or (3)
8 pursuant to a conspiracy to commit this crime.

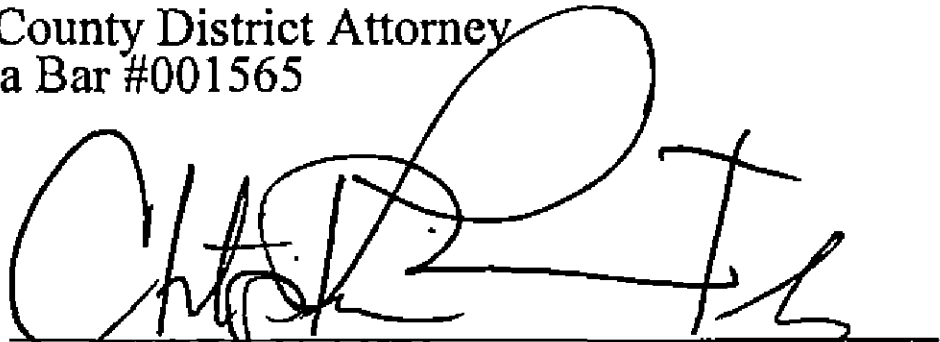
9 COUNT 4 - POSSESSION OF STOLEN PROPERTY

10 Defendant KENYA SPLOND, aka, Kenny Splon did wilfully, unlawfully, and
11 feloniously for his own gain, possess property wrongfully taken from JEFFREY BRUCE
12 HABERMAN, to-wit: Colt 38 revolver serial# 941609, which Defendant knew, or had reason
13 to believe, had been stolen.

14 DATED this 5th day of March, 2014.

15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17
18 BY


19 AGNES LEXIS
20 Deputy District Attorney
Nevada Bar #011064

21 ENDORSEMENT: A True Bill

22 
23 Foreperson, Clark County Grand Jury
24
25
26
27
28

Names of witnesses testifying before the Grand Jury:

ROWBERRY, JOSHUA, LVMPD# 13894

SLATHAR, BRITTANY, STARMART, 5001 N RAINBOW BLVD, LVN

HABERMAN, JEFFREY, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

Additional witnesses known to the District Attorney at time of filing the Indictment:

BRUMAGIN, ANTHONY, LVMPD# 13756

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

CUSTODIAN OF RECORDS, STARMART, 5001 N RAINBOW BLVD, LVN

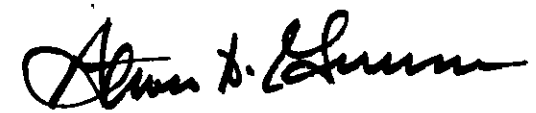
LANDERS, JEREMY, LVMPD# 8073

RALYEA, CHARLES, LVMPD# 13357

13AGJ118A-B/14F01777A-B/ed-GJ

LVMPD EV# 1402020525

(TK11)

DISTRICT COURT
CLARK COUNTY, NEVADA

CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

-VS-

KENYA SPLOND, aka,
Kenny Splond, #1138461

Defendant.

CASE NO: C-14-296374-1

DEPT NO: VIII

WARRANT FOR ARRESTINDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 5th day of March, 2014, in the above entitled Court, charging Defendant KENYA SPLOND, aka, Kenny Splond, above named, with the crime(s) of: (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - 50147); (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - 50426); (1) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - 50138) and (1) CT- POSSESSION OF STOLEN PROPERTY (Category B Felony - NRS 205.275(2)(c) - 56060).

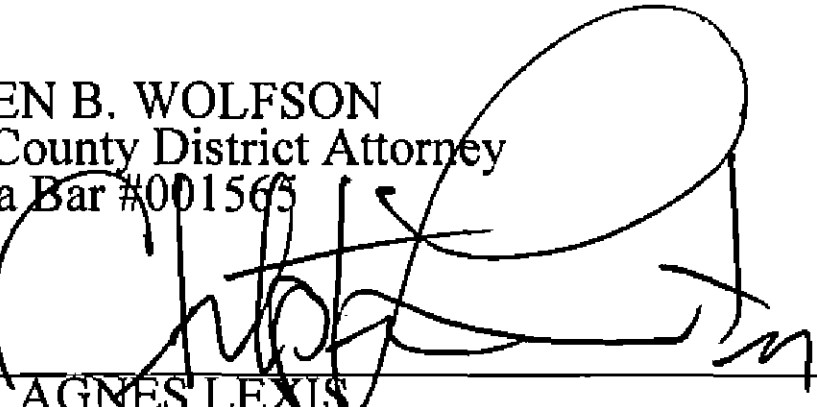

YOU ARE, THEREFORE, COMMANDED forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ 140,000.

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night

GIVEN under my hand this ____ day of March, 2014.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001563

BY


AGNES LEXIS
Deputy District Attorney
Nevada Bar #011064
DISTRICT JUDGE
LINDA MARIE BELL
BAIL \$ 140,000DA# 13AGJ118A-B/ 14F01777A-B/ed
LVMPD EV#1402020525
11/14/1972; BMA; 530-68-1773;
(TK11)

RET
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES LEXIS
Deputy District Attorney
Nevada Bar #011064
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-

KENYA SPLOND, aka,
Kenny Splond, #1138461

Defendant.

CASE NO: C-14-296374-1
DEPT NO: VIII

INDICTMENT WARRANT RETURN

An Indictment having heretofore been found on the 5th day of March, 2014, in the above entitled Court, charging Defendant KENYA SPLOND, aka, Kenny Splond, above named, with the crime(s) of: (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - 50147); (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - 50426); (1) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - 50138) and (1) CT- POSSESSION OF STOLEN PROPERTY (Category B Felony - NRS 205.275(2)(c) - 56060), and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the ____ day of _____ 2014.

DOUGLAS C. GILLESPIE,
Clark County, Nevada

BY

Deputy

RET
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES LEXIS
Deputy District Attorney
Nevada Bar #011064
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED

2014 MAR -7 A 9:59

Adam L. Johnson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-VS-

KENYA SPLOND, aka,
Kenny Splond, #1138461

Defendant.

CASE NO: C-14-296374-1
DEPT NO: VIII

INDICTMENT WARRANT RETURN

An Indictment having heretofore been found on the 5th day of March, 2014, in the above entitled Court, charging Defendant KENYA SPLOND, aka, Kenny Splond, above named, with the crime(s) of: (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - 50147); (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - 50426); (1) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - 50138) and (1) CT- POSSESSION OF STOLEN PROPERTY (Category B Felony - NRS 205.275(2)(c) - 56060), and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the 5 day of March 2014.

DOUGLAS C. GILLESPIE,
Clark County, Nevada

BY

Deputy

Adam L. Johnson

RECEIVED
MAR 07 2014
CLERK OF THE COURT

C-14-296374-1
IWR
Indictment Warrant Return
3550007
000048
000015

WARR

Electronically Filed
03/05/2014 12:22:51 PM

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

-vs-

KENYA SPLOND, aka,
Kenny Splond, #1138461

Defendant.

CASE NO: C-14-296374-1

DEPT NO: VIII

WARRANT FOR ARREST

INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 5th day of March, 2014, in the above entitled Court, charging Defendant KENYA SPLOND, aka, Kenny Splond, above named, with the crime(s) of: (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - 50147); (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - 50426); (1) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - 50138) and (1) CT - POSSESSION OF STOLEN PROPERTY (Category B Felony - NRS 205.275(2)(c) - 56060).

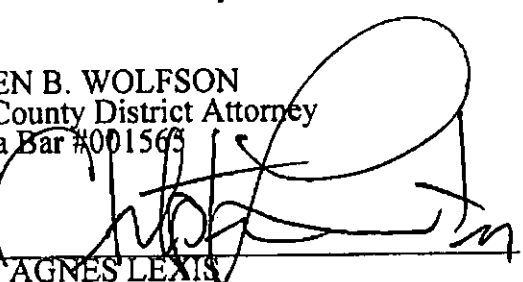
YOU ARE, THEREFORE, COMMANDED forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ 140,000.


I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night

GIVEN under my hand this _____ day of March, 2014.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001563

BY


AGNES LEXIS
Deputy District Attorney
Nevada Bar #011064


DISTRICT JUDGE
LINDA MARIE BELL
BAIL \$ 140,000

DA# 13AGJ118A-B/ 14F01777A-B/ed
LVMPD EV#1402020525
11/14/1972; BMA; 530-68-1773;
(TK11)

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

MAR - 5 2014 000049

AA000016

*PAGE 1 OF 1

*ID/CS# 1138461

☐ JUVENILE ☐ NEW ID

CO. SGT APPROVAL

☒ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ NDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ NLV ☐ COURTESY HOLD ☐ DETAINER

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
TEMPORARY CUSTODY RECORD
(* DENOTES REQUIRED FIELD)

*ARREST DATE: 3/5/2014

*ARREST TIME: 1222

*EVENT #:

*CO-DEF:

*INTAKE NAME (AKA, ALIAS, ETC.)				LAST SPLOND				FIRST KENNY				MIDDLE				TRUE NAME LAST SPLOND				FIRST KENNY				MIDDLE			
*HOME ADDRESS (STREET # AND STREET NAME) UNKNOWN												BLDG./APT.#		*CITY				*STATE		*ZIP		*PLACE OF BIRTH LV, NV					
*DATE OF BIRTH 11/14/1972		*RACE B		*ETHNIC		*SEX M		*HEIGHT 5'10		*WEIGHT 180		*HAIR BLK		*EYES BRO		*SOCIAL SECURITY # 530-68-1773		*CITIZENSHIP USA		*ALIEN REGISTRATION #		<input type="checkbox"/> US VETERAN <input type="checkbox"/> ACTIVE MILITARY					
*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) WARRANT												<input type="checkbox"/> CC <input type="checkbox"/> LV		*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP) CCDC												<input type="checkbox"/> CITIZEN'S ARREST <input type="checkbox"/> SPEAKS ENGLISH	
*ARR ** TYPE		*COURT LV JC DC OTR		*WARRANT # / CASE #				*# COUNTS		*NOC CODE		* M GM F		*CHARGE LITERAL				*ORD / NRS		*BAIL		*EVENT# / NIC#					
GJI		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		C29637				1		50147		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		CONSP ROBBERY				200.380									
GJI		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		C29637				1		50426		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		BURGLARY WHILE POSS OF GUN/DW				205.060									
GJI		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		C29637				1		50138		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ROBBERY, E/DW				200.380									
GJI		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		C29637				1		56057		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		BUY/POSS/RCV STOLEN PROP, \$650 - 3500				200.380									
		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>										<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>															
		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>										<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>										TB 140,000					
*OTHER JURISDICTION:				**ARREST TYPES: PC - PROBABLE CAUSE BS - BONDSMAN SURRENDER BW - BENCH WARRANT AW - ARREST WARRANT RM - REMAND GJI - GRAND JURY INDICTMENT																							

TIME STAMP
AT BOOKING

ARRESTING OFFICER SIGNATURE

*PRINTED NAME

*P#

*AGENCY

*SECTOR/BEAT
OF ARREST

FIRST APP DATE:

TIME:

COURT: ☐ JUSTICE
☐ MUNICIPAL ☐ JUVENILE

☐ STD BAIL ☐ O.R. REL

☐ PC ☐ I.A.D.

JUDGE:

TIME STAMP
AT RELEASING

P#

REL REV P#

*EMERGENCY CONTACT

*RELATIONSHIP

*PHONE NUMBER

*EMAIL ADDRESS

CUSTODY RELEASED TO

NAME

POSITION

AGENCY

*DOC DIST P#

PID: 1:1 RT LT RI LI SCORE:

☐ POLICE RECORDS COPY

☐ COURTS COPY

☐ DSD RECORDS COPY

1:N RT LT RI LI SCORE:

☐ PROCESSING COPY

000050

Electronically Filed
03/10/2014 10:49:52 PM

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Allen D. Levine

CLERK OF THE COURT

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT

THE STATE OF NEVADA,

Plaintiff,

VS.

KENYA SPLOND, aka Kenny Splond,
KELLIE ERIN CHAPMAN,

Defendants.

GJ No. 13AGJ118AB
DC No. C296374

Taken at Las Vegas, Nevada

Tuesday, March 4, 2014

3:13 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Danette L. Antonacci, C.C.R. No. 222

1 GRAND JURORS PRESENT ON MARCH 4, 2014

2

3 EDWARD GOLEC, Foreperson

4 JULIE SCHWERDTFEGER, Deputy Foreperson

5 SHARON BERGER, Secretary

6 ANNA ALVAREZ, Assistant Secretary

7 SUSAN BEAUCHAMP

8 GERALD BRYAN

9 NIKKI FOSTER

10 MICHAEL GARCIA

11 JOSHUA HAGER

12 GOPAL JAIRATH

13 SHIRLEY JOHNSON

14 CHARLES KNIGHTEN

15 JOSEPH O'CONNELL

16 PATRICK ORTMAN

17 GARY ROGERS

18 CRAIG WISE

19 RONALD WORLEY

20

21 Also present at the request of the Grand Jury:

22

23 Agnes Lexis,
24 Deputy District Attorney

24

25

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

INDEX OF WITNESSES

Examined

BRITTANY SLATHAR	10
JOSHUA ROWBERRY	33
JEFFREY HABERMAN	46

INDEX OF EXHIBITS

<u>Grand Jury Exhibits</u>	<u>Identified</u>
1 - PROPOSED INDICTMENT	6
2 - PHOTOGRAPH	34
4 - PHOTOGRAPH	21
5 - PHOTOGRAPH	18
6 - METRO BUSINESS RECORD	49
7 - DMV RECORD	49
8 - DMV RECORD	40
11 - PHOTOGRAPH	24
12 - PHOTOGRAPH	24
13 - PHOTOGRAPH	24
14 - PHOTOGRAPH	24
15 - PHOTOGRAPH	23
16 - PHOTOGRAPH	23
17 - PHOTOGRAPH	22
18 - PHOTOGRAPH	28
19 - PHOTOGRAPH	22
20 - PHOTOGRAPH	28
21 - PHOTOGRAPH	39
22 - PHOTOGRAPH	39
23 - PHOTOGRAPH	39
24 - PHOTOGRAPH	38
25 - PHOTOGRAPH	25

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

1 LAS VEGAS, NEVADA, MARCH 4, 2014

2 * * * * *

3
4 DANETTE L. ANTONACCI,

5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.
8

9 MS. LEXIS: Good afternoon. My name is
10 Agnes Lexis. I am a deputy district attorney. Today I
11 will be presenting Grand Jury Case Number 13AGJ118AB
12 which is the State of Nevada versus Kenya or Kenny
13 Splond and also Kellie Erin Chapman.

14 The charges for your consideration today
15 are conspiracy to commit robbery, burglary while in
16 possession of a firearm, robbery with use of a deadly
17 weapon and possession of stolen property, firearm. I'm
18 just going to briefly for the record read some of the
19 elements of the charges and we'll start with testimony.

20 Conspiracy is an agreement or mutual
21 understanding between two or more persons to commit a
22 crime. To be guilty of a conspiracy, a defendant must
23 intends to commit, or to aid in the commission of, the
24 specific crime agreed to. The crime is the agreement to
25 do something unlawful; it does not matter whether it is

1 successful or not.

2 Evidence that a person was in the company
3 of or associated with one or more other persons alleged
4 or proved to have been member of a conspiracy is not in
5 itself sufficient to prove that such person was a member
6 of the alleged conspiracy. However, presence,
7 companionship and conduct before, during and after the
8 offense are circumstances from which one's participation
9 in the conspiracy may be inferred.

10 Burglary is entering, in this particular
11 case 5001 North Rainbow, Las Vegas, Clark County,
12 Nevada, with the intent to commit larceny and/or robbery
13 therein.

14 Larceny is defined as the stealing, taking
15 and carrying away of the personal goods or property of
16 another with the intent to permanently deprive the owner
17 thereof.

18 Every person who commits the crime of
19 burglary who has in his or her possession or gains
20 possession of a deadly weapon any time during the
21 commission of the crime, at any time before leaving the
22 structure, or upon leaving the structure, is guilty of
23 burglary while in possession of a deadly weapon.

24 Deadly weapon means any instrument which,
25 if used in the ordinary manner contemplated by its

1 design and construction, will or is likely to cause
2 substantial bodily harm or death; or any weapon, device,
3 instrument, material or substance which, under the
4 circumstances in which it is used, attempted to be used
5 or threatened to be used, is readily capable of causing
6 substantial bodily harm or death.

7 Robbery is the unlawful taking of personal
8 property from the person of another, or in his or her
9 presence, against his or her will, by means of force or
10 violence or fear of injury, immediate or future, to his
11 person or property. Such force or fear must be used to
12 obtain or retain possession of the property, to prevent
13 or overcome resistance to the taking of the property, or
14 to facilitate escape with the property. The degree of
15 force is immaterial if used to compel acquiescence with
16 the taking or escaping with the property.

17 The value of the property or money taken is
18 not an element of the crime of robbery. It is only
19 necessary that the State prove the taking of some money
20 or property.

21 And lastly. A person commits possession of
22 stolen property if the person, for his or her own gain
23 or to prevent the owner from again possessing the
24 owner's property, buys, receives, possesses or withholds
25 property, knowing that it is stolen property or under

1 circumstances as should have caused a reasonable person
2 to know that it is stolen property.

3 Do any of you have any questions regarding
4 the charges or the elements? You've heard those before,
5 haven't you?

6 A JUROR: Uh-huh.

7 MS. LEXIS: So the State's first witness is
8 Brittany Slathar.

9 THE FOREPERSON: Please raise your right
10 hand.

11 You do solemnly swear the testimony you are
12 about to give upon the investigation now pending before
13 this Grand Jury shall be the truth, the whole truth, and
14 nothing but the truth, so help you God?

15 THE WITNESS: I do.

16 THE FOREPERSON: Please be seated.

17 You are advised that you are here today to
18 give testimony in the investigation pertaining to the
19 offenses of conspiracy to commit robbery, burglary while
20 in possession of a firearm, robbery with use of a deadly
21 weapon, and possession of stolen property, involving
22 Kenya Splond and Kellie Erin Chapman.

23 Do you understand this advisement?

24 THE WITNESS: Yes.

25 THE FOREPERSON: Please state your first

1 and last name and spell both for the record.

2 THE WITNESS: Brittany, B-R-I-T-T-A-N-Y
3 Slathar, S-L-A-T-H-A-R.

4 THE FOREPERSON: Thank you.

5 MS. LEXIS: Thank you.

6 BRITTANY SLATHAR,
7 having been first duly sworn by the Foreperson of the
8 Grand Jury to testify to the truth, the whole truth,
9 and nothing but the truth, testified as follows:

10

11 EXAMINATION

12

13 BY MS. LEXIS:

14 Q. Is it okay if I call you Brittany?

15 A. Yes.

16 Q. Brittany, I want to turn your attention to
17 February 2, 2014. Were you working at that time?

18 A. Yes, I was.

19 Q. Where were you working, Brittany?

20 A. At Star Mart. It's a convenience store.

21 Q. Is that located at 5001 North Rainbow, Las
22 Vegas, Clark County, Nevada?

23 A. Yes.

24 Q. And what did you do at that convenience
25 store?

1 A. I'm a cashier.

2 Q. What shift did you work?

3 A. Graveyard.

4 Q. As a graveyard cashier did you typically
5 work alone or with other clerks?

6 A. I'm always alone.

7 Q. And what is the graveyard shift considered,
8 what times?

9 A. 10:00 p.m. to 6:00 a.m.

10 Q. On February 2nd, 2014, did something happen
11 to you while you were working at the convenience store
12 that's causing you to have to testify before the Grand
13 Jury today?

14 A. Yes.

15 Q. Okay. Brittany, can you please tell us
16 what happened?

17 A. I was sitting at the table just doing like
18 little puzzle books to keep myself busy and a gentleman
19 walked in and I saw him walk right to the candy aisle
20 and he walked straight to the counter, I approached, he
21 asked for two packs of Newport 100's. I turned around,
22 I grabbed the cigarettes, as I'm ringing them up he
23 pulls a gun out of his sweatshirt and tells me to give
24 him the money. I put the cigarettes to the side to try
25 to avoid giving them to him and he just kept telling me

1 open my drawer. And I told him once I start a
2 transaction that's not possible. And he just kept, he
3 kept pointing the gun at me telling me to open my
4 drawer, open my drawer or my life's over, I'm going to
5 die, kept calling me names.

6 Q. So let me stop you right there. Did this
7 person enter the convenience store by himself, alone or
8 with other people?

9 A. Alone.

10 Q. And was it a male or a female?

11 A. A male.

12 Q. And what race?

13 A. Black. African American.

14 Q. And you said this person immediately went
15 to the candy aisle?

16 A. Yes.

17 Q. And after that the person went up to the
18 counter?

19 A. Yes.

20 Q. And once at the counter the person asked
21 for a specific type of cigarettes?

22 A. Yes.

23 Q. What kind of cigarettes?

24 A. Newport Menthol 100's.

25 Q. Did you retrieve those cigarettes?

1 A. Yes, I did.

2 Q. And where did you place them?

3 A. I rang them up and I sat them on the
4 counter and once he pulled the gun I quickly grabbed
5 them and put them like on the right side of my register
6 where it kind of like you have to completely walk around
7 and reach over to get to them.

8 Q. And you talked about this individual
9 pulling a gun. Were you able to see the color of the
10 gun?

11 A. Yes, I was.

12 Q. What color?

13 A. It was black.

14 Q. Do you know anything about guns? Do you
15 know what type of gun it was?

16 A. Yes.

17 Q. For the record you were nodding your head.
18 What type of gun was it?

19 A. It was a revolver. I didn't know exactly
20 what kind of revolver but I knew it didn't have a clip.
21 I knew it was a revolver.

22 Q. So you saw enough of the gun to ascertain
23 that it was a revolver and black?

24 A. Yes.

25 Q. And where was this particular individual

1 holding the gun when you said he pointed it at you?

2 A. About waist length, about on the counter
3 like at his waist.

4 Q. Do you recall whether or not this
5 individual was wearing gloves?

6 A. Yes, he was.

7 Q. And you indicated that this male asked you
8 for money?

9 A. Yes.

10 Q. And was that from your register?

11 A. Yes.

12 Q. And you indicated -- did you turn over
13 money?

14 A. No, I did not.

15 Q. Why not?

16 A. I just, I told him I couldn't open my
17 drawer. I would have gave him the money, I was just
18 trying not to. I actually ended up turning my computer
19 screen cause once I start a transaction there's no
20 buttons to open by drawer. I told him I couldn't open
21 it and he ended up getting so frustrated he left and
22 told me he'd be back.

23 Q. You indicated he was calling you names.
24 What kind of names was this particular person calling
25 you?

1 A. He was calling me a dumb white bitch, he
2 was telling me I'm stupid, like ignorant, like young,
3 like calling me anything he could possibly think of.

4 Q. And did he have an occasion to threaten
5 your life or make threats towards you?

6 A. Oh yes, he threatened me numerous times.

7 Q. What exactly did he say?

8 A. He told me if I didn't give him the money
9 he was going to shoot me in the head. Like before he
10 left he told me he'd be back, my life was over, like
11 that's the worse decision of my life. He just kept
12 telling me I was going to die.

13 Q. And this might sound like a stupid question
14 but. Were you in fear when you saw the gun and when
15 this individual was threatening you?

16 A. Yes, and I still am every day at work.

17 Q. Brittany, was this individual who went in
18 and robbed you, was he able to make out with any items
19 from the store?

20 A. Yes.

21 Q. And what were those items?

22 A. He got a pack of Wrigley Spearmint gum and
23 two packs of the Newport Menthol 100's.

24 Q. And immediately upon this person leaving or
25 going towards the exit of the store, there's one front

1 exit; is that right?

2 A. Yes.

3 Q. Did you see this person make any kind of
4 gesture immediately upon coming out of the front door?

5 A. Yes, cause there's windows around like and
6 I could see out and right when he walked around the
7 corner I saw him go like this with his hand.

8 Q. Okay. What did you do next? Did you call
9 the police?

10 A. Well, I walked around to the front door to
11 lock it because he said he'd be back and then I walked
12 back behind the counter and I called Metro.

13 Q. Brief indulgence.

14 After you called Metro were you escorted by
15 a detective to a residential area near the store?

16 A. Yes, I was.

17 Q. And what were you brought there to do?

18 A. They had told me they had an individual and
19 it may or may not be the guy that had robbed me and so
20 they drove me over there and it was him.

21 Q. Brittany, does the store have a
22 surveillance system?

23 A. Yes, it does.

24 Q. And I'm sorry, let me go back. It may or
25 may not be him. Were you presented with an individual?

1 A. Yes. I stayed in the police car and they
2 pulled, they had an individual, they brought him around
3 and they put him, you know, in front of the car, not
4 close but so he couldn't see me, and it was him.

5 Q. Okay. And how sure were you that the
6 person presented to you was the individual who had just
7 robbed you?

8 A. A hundred percent. He didn't cover his
9 face.

10 Q. Was the individual who robbed you wearing
11 the same type of clothing that he had been wearing when
12 he entered your store?

13 A. No.

14 Q. What had changed? Do you recall?

15 A. When he entered my store he was wearing
16 blue jeans, a black sweatshirt and a brown camouflage
17 beanie, and when I went to go identify him he was
18 wearing blue jeans and a red T-shirt.

19 Q. Does the store have a surveillance system?

20 A. Yes, it does.

21 Q. And are you familiar with the surveillance
22 system?

23 A. Yes.

24 Q. In fact right from where your cash register
25 is, is there a TV that shows you what's being recorded

1 in the surveillance system?

2 A. Yeah. It flips to different ones
3 periodically.

4 Q. So different views?

5 A. Yes.

6 Q. In this particular, after this particular
7 robbery, did the police request surveillance video from
8 your store?

9 A. Yes, they did.

10 Q. And do you have a store manager there?

11 A. Yes, I do.

12 Q. What's her name?

13 A. Araceli Barista.

14 Q. Were you present when Araceli burned a copy
15 or reviewed surveillance video, located the event of
16 your robbery and then burned a copy for police?

17 A. Yes, I was.

18 Q. So you're familiar with what was captured
19 on the store surveillance video?

20 A. Yes.

21 Q. Brittany, we are going to use the overhead.
22 Okay?

23 A. Okay.

24 Q. I'm going to show you Grand Jury Exhibit
25 Number 5. Can you tell the grand jurors what this view

1 is right here?

2 A. That's the front door to the store.

3 Q. And what's this over here?

4 A. That's one of the aisles. The tables are
5 on the right and the candy aisle is on the left.

6 Q. I want to draw your attention -- maybe I
7 can zoom in.

8 You said you were doing cross word puzzles
9 off to the side. Is that in fact you?

10 A. Yes.

11 Q. What's this area right here?

12 A. My cash register. The one I was using that
13 night.

14 Q. And what's this up here?

15 A. The parking lot.

16 Q. And towards the bottom left, what's this
17 one right here?

18 A. That's like a view of the whole store. I
19 can see almost the whole store when I was standing right
20 there.

21 Q. And how about towards the bottom right?

22 A. That is on the, like when you walk out the
23 doors, the right hand side and there's a bar right
24 there, so there's a parking lot between it.

25 Q. And is this how, if you are to look at the

1 surveillance video at your store, is this what all the
2 different views look like at any given point in time?

3 A. Yeah. There's more but she took out the
4 ones that you couldn't see him or had nothing to do with
5 it.

6 Q. And you watched that?

7 A. Yes.

8 Q. And on the surveillance video are there
9 time stamps as well?

10 A. Oh yes.

11 Q. For instance on your cash register view,
12 Grand Jury Exhibit Number 5, is it February 2nd, 2014 at
13 2:51:55 a.m.?

14 A. Yes.

15 Q. I'm going to show you Grand Jury Exhibit
16 Number 4.

17 Actually no, let's do -- or actually this
18 is what I wanted to show you.

19 Is this the person entering from a
20 different, from a certain part of the store or a parking
21 lot?

22 A. Yes.

23 Q. The person who robbed you?

24 A. Yes, it is.

25 Q. I'm going to show you Grand Jury Exhibit

1 Number 4. Does this show the various different views
2 that were given to police showing the person who robbed
3 you leaving the store?

4 A. Yes.

5 Q. And the time stamp being 2:54:01 a.m. Does
6 that seem to be fair and accurate?

7 A. Yes.

8 Q. I'll show you this particular view.
9 Shortly after the individual left the store, turning
10 your attention to about 2:54:21 a.m., is the store phone
11 located to the bottom left of the bottom left picture?

12 A. Yes.

13 Q. Were you calling the police at that time?

14 A. Yes, I was.

15 Q. And I'm going to turn your attention to the
16 bottom right hand corner. Around the same time or at
17 exactly the same time that you were calling the police,
18 I want to turn everybody's attention to this light
19 colored car that's exiting the area of, you said towards
20 the bar parking lot?

21 A. That faces the bar parking lot. It is the
22 bar parking lot. Like we kind of share a parking lot.

23 Q. So at about 2:54:21 there's a car leaving
24 that particular area where the defendant is, or, excuse
25 me, where the robber is seen to be leaving?

1 A. Yes.

2 Q. I'm not going to go through all the photos
3 but. Grand Jury Exhibit Number 19, do you recognize
4 what's shown in this photo?

5 A. Yes, I do.

6 Q. What do you recognize there?

7 A. That is the gentleman who robbed me. He's
8 walking into my convenience store.

9 Q. I'm going to show you -- that was Grand
10 Jury Exhibit Number 19.

11 I'm going to show you Grand Jury Exhibit
12 Number 17. What's shown in this particular photo?

13 A. That's him in the middle of it basically
14 telling me, holding the gun at me telling me to give him
15 the money. And you can see the pack of gum on the
16 counter.

17 Q. Where is that? Is that right here?

18 A. Yeah. The cigarettes are on the other side
19 of my register.

20 Q. I'm going to show you a photo.

21 I don't believe I have one of the
22 cigarettes.

23 A. If you have a picture of me standing at the
24 register you can probably see them, they're right there.

25 Q. I'm going to turn your attention to Grand

1 Jury Exhibit Number 16. You said the person who robbed
2 you had a weapon. Can you see any part of the weapon
3 here in this particular Grand Jury exhibit?

4 A. Yes.

5 Q. And could you please stand up and point to
6 where it is?

7 A. Up there or on here?

8 Q. Right here.

9 A. Right there. You can see the tip of it.

10 Q. Okay. So for the record is that right on
11 top of the counter?

12 A. Yes.

13 Q. Where a person would pay and you can see
14 the tip of the weapon?

15 A. Yes.

16 Q. I'm going to show you Grand Jury Exhibit
17 Number 15. Can you also see the tip right there, the
18 top almost middle corner?

19 A. Yes. And he kept covering it with his hand
20 so that's probably why you can only see the tip of it
21 because he kept it covered with his other hand.

22 Q. You indicated to the grand jurors earlier
23 that upon leaving your store or exiting the door you saw
24 the person make a gesture with the right hand kind of
25 calling someone over?

1 A. After he walked out the door because
2 there's windows.

3 Q. I'm going to show you Grand Jury Exhibit
4 Number 14. Is this the direction that the person was
5 leaving?

6 A. Yes.

7 Q. And is the person making a gesture with his
8 right hand there?

9 A. Yes, he is.

10 Q. Showing you Grand Jury Exhibit Number 13.
11 It's time stamped 2:54:01. Is this the person who
12 robbed you leaving in the same area that he is seen
13 arriving in?

14 A. Yes.

15 Q. And about 20 seconds later, in Grand Jury
16 Exhibit Number 12, is there a vehicle towards the top
17 left hand corner?

18 A. Yes.

19 Q. And is it a light colored vehicle?

20 A. Yes.

21 Q. Different view, Grand Jury Exhibit
22 Number 11. Turning your attention to the top left
23 again, is it a light colored vehicle?

24 A. Yes, it is.

25 Q. Brittany, I'm going to show you what's been

1 marked as Grand Jury Exhibit Number 27. Do you
2 recognize this person?

3 A. Yes, I do.

4 Q. Who do you recognize this person to be?

5 A. The man who robbed me on February 2nd.

6 Q. Show you Grand Jury Exhibit Number 27 for
7 the record. Was this the individual that was also
8 presented to you in that residential area shortly after
9 the robbery?

10 A. Yes, it was.

11 Q. And this is the person you identified
12 100 percent as the person who robbed you?

13 A. Yes.

14 Q. Brittany, I'm going to show you Grand Jury
15 Exhibit Number 26. Do you recognize this individual?

16 A. When I went to go identify the male, she, I
17 didn't see her but she was presented to me, asked me if
18 she was there, but I didn't see her.

19 Q. Okay.

20 A. Just when I went to go identify him.

21 Q. Okay. So to be clear, one person came in
22 and robbed you at gunpoint?

23 A. Yes.

24 Q. I'm going to show you Grand Jury Exhibit
25 Number 25. Do you recognize any of the items shown in

1 this particular photo?

2 A. Yes.

3 Q. And what do you recognize?

4 A. The packet of Wrigley Spearmint gum, the
5 two packs of Newport Menthol 100's.

6 Q. And that's located in it looks like a car
7 seat; is that correct?

8 A. Yes.

9 Q. Do they appear to be the same type of
10 cigarettes, the same number, and also the same type of
11 gum that had been taken from your store?

12 A. Yes.

13 Q. Brittany, when the person first walked in,
14 I just want to get the timing kind of correct, the
15 person who robbed you wasn't in the store for very long;
16 is that fair to say?

17 A. Not long at all. Maybe two, three minutes,
18 very short.

19 Q. Okay. Did the person at any -- well, once
20 the person picked out the gum, how quickly after the
21 person picked out the gum did they go, did the person go
22 to the register?

23 A. Instantly. Didn't even look anywhere else,
24 went straight to the gum and straight to the counter.

25 Q. And then asked for the cigarettes and then

1 brandished the weapon?

2 A. Yes.

3 MS. LEXIS: I have no further questions for
4 this particular witness. Do any of the Grand Jury
5 members have any questions?

6 THE FOREPERSON: Charles.

7 BY A JUROR:

8 Q. Miss Slathar, in your testimony you said
9 that he went right to the gum and then straight to the
10 counter. But is this after -- but you also mentioned
11 that he was in the store two or three minutes. So I'm
12 trying to narrow it down. Was he in the store just
13 milling around before he went to the gum or did he walk
14 into the door and go to the gum and then go to the
15 counter?

16 A. He walked in the store, went straight to
17 the gum and straight to the counter. He didn't go
18 anywhere else.

19 Q. So it wasn't like three minutes, you were
20 saying three minutes, but it was a few seconds, right?

21 A. Once he was at the counter he was at the
22 counter for a minute or two just trying to get me to
23 open my drawer and, you know, yelling at me.

24 Q. Sure. Thank you.

25 A. No problem.

1 BY MS. LEXIS:

2 Q. Just to clarify because it's important as
3 to one of the counts. Grand Jury Exhibit Number 20,
4 this is the person that you identified as robbing you.

5 A. Uh-huh.

6 Q. Or the person who robbed you. Walking
7 towards the entrance of the store; is that correct?

8 A. Yes.

9 Q. And it's time stamped 2:51:55; is that
10 right?

11 A. Yes.

12 Q. And Grand Jury Exhibit Number 19, this is
13 the person entering the store; is that correct?

14 A. Yes.

15 Q. And it is time stamped 2:52:18; is that
16 correct?

17 A. Yes.

18 Q. And Grand Jury Exhibit Number 18, this is
19 the person looking through what you described as the
20 candy aisle; is that correct?

21 A. Yes. And the register's right there.

22 Q. Okay. And you are right there?

23 A. Yes, I am.

24 Q. And the registers are towards the bottom
25 right hand corner?

1 A. Yes.

2 Q. And this is time stamped 2:52:32; is that
3 correct?

4 A. Yes.

5 Q. And then immediately after that, the
6 counter, Grand Jury Exhibit 17, the individual, this is
7 not the first time that he went up to the counter but
8 the time stamp 2:52:59, the person is demanding items
9 with the weapon out; is that correct?

10 A. Yes.

11 Q. So as you were just questioned by the grand
12 juror, the person walked in, went to the candy section,
13 grabbed something, went to pay, asked, demanded money
14 and brandished the weapon?

15 A. Yes.

16 Q. He was at the counter a few minutes?

17 A. Yeah.

18 MS. LEXIS: Any other questions?

19 THE FOREPERSON: Craig.

20 BY A JUROR:

21 Q. Later, was it in the morning after you got
22 off your shift that the police took you to view the
23 individual that robbed you?

24 A. No, instantly.

25 Q. Instantly?

1 A. When I called Metro I saw, I was looking
2 out my window waiting for them, I saw a Metro cop drive
3 by, another one pulled in a minute or two later and once
4 he got there, it was five minutes he was talking to me
5 explaining to me like what to do, and then he drove me
6 right down there.

7 Q. Wow. Okay.

8 THE FOREPERSON: Anna.

9 BY A JUROR:

10 Q. You seem really confident about the
11 situation. Were you robbed before?

12 A. Never.

13 Q. Did you receive training on situations like
14 this?

15 A. No. My first time working at a convenience
16 store. I was a waitress before that so I've never been
17 robbed before.

18 Q. You're very, what do you call it, brave I
19 think.

20 A. Thank you.

21 MS. LEXIS: Are there any other questions?

22 THE FOREPERSON: Gary.

23 BY A JUROR:

24 Q. Similar to Anna's. I was just wondering,
25 Brittany, if Star Mart or anyone gave you training on

1 procedures to follow, what to do if someone attempts to
2 rob you.

3 A. Not at all.

4 Q. Not at all?

5 A. No. I wish.

6 BY MS. LEXIS:

7 Q. In fact after you spoke to the police and
8 the deputy DA assigned to this case, we told you next
9 time to give up the money; correct?

10 A. Well see I didn't know at the time they
11 were insured and they get it all back. I didn't know
12 all that.

13 MS. LEXIS: Any other questions?

14 THE FOREPERSON: Miss Slathar, by law,
15 these proceedings are secret and you are prohibited from
16 disclosing to anyone anything that has transpired before
17 us, including evidence and statements presented to the
18 Grand Jury, any event occurring or statement made in the
19 presence of the Grand Jury, and information obtained by
20 the Grand Jury.

21 Failure to comply with this admonition is a
22 gross misdemeanor punishable by a year in the Clark
23 County Detention Center and a \$2,000 fine. In addition,
24 you may be held in contempt of court punishable by an
25 additional \$500 fine and 25 days in the Clark County

1 Detention Center.

2 Do you understand this admonition?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Thank you. You are
5 excused.

6 THE WITNESS: Thank you.

7 MS. LEXIS: Brittany, will you send Officer
8 Rowberry in next.

9 THE WITNESS: Uh-huh, just --

10 MS. LEXIS: You know what, I'll come out.

11 THE FOREPERSON: Please raise your right
12 hand.

13 You do solemnly swear the testimony you are
14 about to give upon the investigation now pending before
15 this Grand Jury shall be the truth, the whole truth, and
16 nothing but the truth, so help you God?

17 THE WITNESS: Yes, I do.

18 THE FOREPERSON: Please be seated.

19 You are advised that you are here today to
20 give testimony in the investigation pertaining to the
21 offenses of conspiracy to commit robbery, burglary while
22 in possession of a firearm, robbery with use of a deadly
23 weapon, and possession of stolen property, involving
24 Kenya Splond and Kellie Erin Chapman.

25 Do you understand this advisement?

1 THE WITNESS: Yes, I do.

2 THE FOREPERSON: Please state your first
3 and last name and spell both for the record.

4 THE WITNESS: Joshua Rowberry. J-O-S-H-U-A
5 last name is R-O-W-B-E-R-R-Y.

6 THE FOREPERSON: Thank you.

7 MS. LEXIS: May I proceed, Mr. Foreperson?

8 THE FOREPERSON: Yes.

9 JOSHUA ROWBERRY,
10 having been first duly sworn by the Foreperson of the
11 Grand Jury to testify to the truth, the whole truth,
12 and nothing but the truth, testified as follows:

13
14 EXAMINATION

15
16 BY MS. LEXIS:

17 Q. Officer, how are you employed?

18 A. With LVMPD.

19 Q. How long have you been employed with LVMPD?

20 A. About five years now.

21 Q. And what do you do there?

22 A. Patrol.

23 Q. What shift do you work?

24 A. Graveyard.

25 Q. Turning your attention to February 2nd,

1 2014, were you working as a police officer on the
2 graveyard shift?

3 A. Yes, I was.

4 Q. Did you at some point become dispatched to
5 a robbery located at 5001 North Rainbow, Las Vegas,
6 Clark County, Nevada?

7 A. Yes, I was.

8 Q. Please tell the ladies and gentlemen of the
9 jury how you became involved in that investigation.

10 A. As I got close to the area of the
11 convenience store, I proceeded to go north, northbound
12 on Rainbow because the last update we had was that when
13 the suspect left the convenience store he was last seen
14 running northbound on foot. As I was driving north on
15 Rainbow, I was coming up to Rancho Sante Fe Drive and --

16 Q. I'm going to stop you right there.

17 I'm going to put Grand Jury Exhibit
18 Number 2 up so maybe -- is the convenience store that
19 we're talking about right here, 5001 North Rainbow
20 Boulevard, which is to the right of the photo?

21 A. Yes, it is.

22 Q. And you can actually use the exhibit if you
23 want to explain where you went.

24 A. The convenience store here. This would be
25 going north. And Rancho Sante Fe drive is right about

1 here. As I was driving I observed this, a silver, which
2 ended up being a Grand Am Pontiac, pull out and
3 proceeded northbound in front of me. And due to the
4 fact the robbery and the recent area, it was the only
5 car seen in the area, I made a vehicle stop on the car.

6 Q. Where did you conduct the vehicle stop, do
7 you recall?

8 A. It was on Fruits Flower and -- I can't
9 remember the --

10 Q. Flora Spray?

11 A. Yes.

12 Q. Can you show the ladies and gentlemen of
13 the jury where that particular intersection is?

14 A. Which is right here.

15 Q. Okay. Approximately how far away is that
16 from the convenience store?

17 A. Probably almost a mile.

18 Q. Okay. And you stated that you conducted a
19 vehicle stop on a silver Pontiac Grand Am?

20 A. Correct.

21 Q. Do you recall what the license plate number
22 was on that Grand Am?

23 A. It was a Nevada plate, 384 Victor Frank
24 Union.

25 Q. Could it be Nevada plate 438 Victor --

1 A. Or 438, sorry.

2 Q. 438 Victor Frank and then U; is that
3 correct?

4 A. Yes.

5 Q. How many people did you encounter in the
6 vehicle when you conducted that stop?

7 A. When I made the stop there was a female
8 driving. The windows were all rolled up, it's dark out.
9 I asked her to roll down all the windows so I could see
10 anybody in the back seat. I didn't initially see
11 anybody. Further looking in the vehicle I saw a male,
12 black male subject who was laying down in the back seat
13 and he was breathing very, very heavily as if he was
14 just running.

15 Q. And let me stop you right there. Was that
16 particular individual hiding behind or was he located
17 underneath a blanket?

18 A. Yes. He was either, a blanket or clothes.
19 You could see his upper torso barely. And I couldn't
20 see his hands, all I could make out was half a torso and
21 a head. I initiated a code red to get other officers to
22 respond to the area. Doing so three additional officers
23 arrived and we pulled each subject out without any
24 incident and at that time they were read Miranda.

25 Q. But you yourself did not read Miranda?

1 A. Only to Chapman.

2 Q. And we're not going to talk too much about
3 their statements.

4 But subsequent to speaking with the two
5 individuals located in the car, and let me just show you
6 a photo. I'll approach you with Grand Jury Exhibit
7 Number 27 and Grand Jury Exhibit Number 26. Do you
8 recognize the individuals in these photos?

9 A. Yes. Kellie Chapman.

10 Q. So Grand Jury Exhibit Number 26 is Kellie
11 Chapman?

12 A. And the other one is Kenya Splond.

13 Q. Grand Jury Exhibit Number 27, Kenya Splond?
14 Yes?

15 So these are the two people you found in
16 the car?

17 A. Yes.

18 Q. After speaking to both suspects, conducting
19 an initial investigation, was the car searched?

20 A. The vehicle was searched by Anthony or
21 officer Brumaghin. It's B-R-U-M-H-A-G -- sorry, let me
22 say that again. It's B-R-U-M-A-G-H-I-N.

23 Q. Were you present when the vehicle was
24 searched?

25 A. Yes, I was.

1 Q. What items of evidentiary value were
2 located inside the silver Pontiac Grand Am?

3 A. On the front seat where Miss Chapman was
4 sitting was two packs of Newport cigarettes and Wrigley
5 Spearmint gum. When we got to the back seat on the
6 passenger side down on the floorboard there was a .38
7 revolver which was recovered inside the sweatshirt.

8 Q. And I'm sorry, where was the sweatshirt
9 with the revolver located?

10 A. Passenger side rear floorboard.

11 Q. And I'm going to approach.

12 Grand Jury Exhibit 25. So the two packs of
13 cigarettes and also the gum?

14 A. Correct.

15 Q. And that's on the driver, front driver's
16 side; is that correct?

17 A. Yes.

18 Q. You just told the Grand Jury about finding
19 a revolver and clothing.

20 A. Correct.

21 Q. Grand Jury Exhibit Number 24, do you
22 recognize that?

23 A. Yes.

24 Q. What was that?

25 A. It's the sweatshirt and the handle of the

1 revolver.

2 Q. Grand Jury Exhibit Number 23. That's a
3 photo showing the manufacturer or the brand of the
4 revolver?

5 A. Yes. That's the muzzle.

6 Q. It's a Colt; is that correct?

7 A. Yes.

8 Q. And Grand Jury Exhibit Number 22. Do you
9 see that?

10 A. Yes, it's a revolver.

11 Q. Same one, right?

12 A. Correct.

13 Q. Grand Jury Exhibit Number 21, what does
14 that show?

15 A. Same revolver which was loaded with four
16 rounds of .38.

17 Q. Do you recall the serial number on the
18 revolver that was located?

19 A. Offhand I do not.

20 Q. Do you have some reports with you that have
21 been turned upside down?

22 A. I do.

23 Q. Would looking at your report refresh your
24 recollection? I believe it's page 2 of your arrest
25 report.

1 A. Yes, it was 941609.

2 Q. Thank you. And it was a Colt .38; is that
3 correct?

4 A. Correct.

5 Q. The silver Pontiac Grand Am, were you able
6 to ascertain, run a records check and figure out who it
7 belonged to?

8 A. Officers on scene ran the plate or dispatch
9 advised us that the plate did not return back to that
10 vehicle. It actually returned back to a Hyundai. We
11 further, we ran the VIN number on the vehicle which
12 returned back to Miss Chapman.

13 Q. Okay.

14 A. Which was expired.

15 Q. Okay. So the VIN number of the vehicle
16 returned to Kellie Chapman?

17 A. Correct.

18 Q. But the license plate number, 438 Victor
19 Frank Unit, came back to a different type of vehicle; is
20 that correct?

21 A. Correct, which was also no current
22 registration was found.

23 Q. I'm going to approach you with Grand Jury
24 Exhibit Number 8 and 7.

25 Grand Jury Exhibit Number 8 is actually

1 admissible because it's a certified DMV copy. I'm just
2 asking this witness some questions. You indicated that
3 you stopped a vehicle with license plate 438 Victor
4 Frank Unit?

5 A. Correct.

6 Q. Is that correct?

7 And you indicated that it did not return to
8 the Pontiac Grand Am?

9 A. Correct.

10 Q. Is this in fact the DMV records showing
11 that there is no registration information available for
12 that particular plate number?

13 A. Correct.

14 Q. And that's the plate number that was
15 located on the vehicle when you stopped it?

16 A. Yes, it was.

17 Q. And you indicated that the Pontiac Grand
18 Am, the VIN number that you were given, did return to
19 Kellie Chapman; is that correct?

20 A. Yes.

21 Q. Okay. And DMV record showing that
22 Miss Chapman does in fact have a 2006 Pontiac Grand Am
23 registered to her; is that correct?

24 A. Yes.

25 Q. And the registration, or the plate number,

1 excuse me, is not the plate number that was on the
2 vehicle when you stopped it?

3 A. No, it wasn't.

4 Q. What does that indicate to you, Officer?

5 A. The vehicle was cold plated.

6 Q. What does that mean?

7 A. Usually you find it more common on stolen
8 vehicles or people steal another license plate and put
9 it on their vehicle, that way it doesn't show up for say
10 like a stolen vehicle, if I run the plate it's not going
11 to show up as stolen because it's giving me the
12 information of another vehicle.

13 Q. But in this particular case of course there
14 is no allegation of possession of stolen vehicle?

15 A. No.

16 Q. But that's what struck you as suspicious
17 anyway?

18 A. Yes.

19 Q. And subsequent to your investigation were
20 both Miss Kellie Chapman and also Kenya Splond arrested
21 for the robbery and associated charges that occurred on
22 February 2nd, 2013?

23 A. Yes, they were.

24 MS. LEXIS: I have no more questions for
25 this particular witness. Do any of the Grand Jury

1 members have any questions?

2 THE FOREPERSON: Charles.

3 BY A JUROR:

4 Q. Officer, I just have a clarification. I
5 want you to clarify something. You mentioned that when
6 you first started that you had received a radio or a
7 report rather that the suspect was on foot. My question
8 is previous to your stop in the Grand Am did you receive
9 subsequent information that said that an automobile was
10 also may have been involved in this robbery.

11 A. No.

12 Q. Okay. So why did you stop the Grand Am
13 then?

14 A. It's in the area of a robbery. It's not
15 uncommon for people to run to get out of the area and
16 get into a vehicle.

17 Q. Okay.

18 A. Which obviously cause we're looking for
19 somebody on foot, not in a car.

20 Q. Sure. Okay. Thank you.

21 BY MS. LEXIS:

22 Q. And as you previously testified, the actual
23 stop was very near the area of the robbery; is that fair
24 to say?

25 A. Yes.

1 Q. Okay. Certainly within running distance?

2 A. Correct.

3 THE FOREPERSON: Any other questions?

4 Officer, by law, these proceedings are
5 secret and you are prohibited from disclosing to anyone
6 anything that has transpired before us, including
7 evidence and statements presented to the Grand Jury, any
8 event occurring or statement made in the presence of the
9 Grand Jury, and information obtained by the Grand Jury.

10 Failure to comply with this admonition is a
11 gross misdemeanor punishable by a year in the Clark
12 County Detention Center and a \$2,000 fine. In addition,
13 you may be held in contempt of court punishable by an
14 additional \$500 fine and 25 days in the Clark County
15 Detention Center.

16 Do you understand this admonition?

17 THE WITNESS: Yes, I do.

18 THE FOREPERSON: Thank you. You are
19 excused.

20 Agnes, could we take a five minute break?

21 MS. LEXIS: Sure.

22 THE FOREPERSON: We're going to take a five
23 minute break.

24 A JUROR: Five to seven.

25 (Recess.)

1 MS. LEXIS: We're back on Grand Jury Case
2 Number 13AGJ118AB, Kenya Splond and Kellie Chapman. The
3 State's next witness is Jeffrey Haberman.

4 THE FOREPERSON: Please raise your right
5 hand.

6 You do solemnly swear the testimony you are
7 about to give upon the investigation now pending before
8 this Grand Jury shall be the truth, the whole truth, and
9 nothing but the truth, so help you God?

10 THE WITNESS: Yes, sir.

11 THE FOREPERSON: You are advised that you
12 are here today to give testimony in the investigation
13 pertaining to the offenses of conspiracy to commit
14 robbery, burglary while in possession of a firearm,
15 robbery with use of a deadly weapon, and possession of
16 stolen property, involving Kenya Splond and Kellie Erin
17 Chapman.

18 Do you understand this advisement?

19 THE WITNESS: Yes, sir.

20 THE FOREPERSON: Please state your first
21 and last name and spell both for the record.

22 THE WITNESS: Jeffrey, J-E-F-F-R-E-Y,
23 Haberman, H-A-B-E-R-M-A-N.

24 THE FOREPERSON: Thank you.

25 MS. LEXIS: Thank you Mr. Foreperson.

1 JEFFREY HABERMAN,
2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth,
4 and nothing but the truth, testified as follows:

5
6 EXAMINATION

7
8 BY MS. LEXIS:

9 Q. Hello Mr. Haberman. Mr. Haberman, back on,
10 or actually let's just go with the year 2013. Did you
11 own a .38 caliber Colt revolver?

12 A. Yes, ma'am.

13 Q. And was the serial number of that
14 particular weapon 941609?

15 And for the record you're pulling something
16 out of your wallet. Is it the blue card?

17 A. The blue card, the registration card.

18 Q. All right. And was that the registration
19 card for --

20 A. Yes, ma'am.

21 Q. -- the Colt?

22 A. Yes, ma'am.

23 Q. And that is the correct serial number,
24 941609?

25 A. Yes, ma'am.

1 Q. How long have you owned that gun, sir?

2 A. I inherited it from my father who bought it
3 in Los Angeles I think in the 1980s.

4 Q. And did there come an occasion where that
5 firearm was stolen from you?

6 A. Yes, ma'am.

7 Q. Okay. And when was it stolen?

8 A. October 2013, the last Wednesday in the
9 month I believe.

10 Q. Okay. Can I approach you, sir, with Grand
11 Jury Exhibit Number 26 and 27.

12 Do you recognize the person shown in Grand
13 Jury Exhibit Number 26?

14 A. No, ma'am.

15 Q. Okay. And how about Grand Jury Exhibit
16 Number 27?

17 A. No, ma'am.

18 Q. Did you at any time give your .38 revolver
19 to either of these individuals?

20 A. No, ma'am.

21 Q. Specifically did they have your permission
22 to have your weapon on February 2nd, 2014?

23 A. No, ma'am.

24 Q. And that gun is registered to you as shown
25 by the blue card; is that right, sir?

1 A. Yes, ma'am.

2 Q. Did you file a police report, sir, when
3 this gun was stolen?

4 A. Yes, ma'am.

5 MS. LEXIS: I have no further questions.
6 Do any of the jury members have any questions?

7 THE FOREPERSON: Mr. Haberman, by law,
8 these proceedings are secret and you are prohibited from
9 disclosing to anyone anything that has transpired before
10 us, including evidence and statements presented to the
11 Grand Jury, any event occurring or statement made in the
12 presence of the Grand Jury, and information obtained by
13 the Grand Jury.

14 Failure to comply with this admonition is a
15 gross misdemeanor punishable by a year in the Clark
16 County Detention Center and a \$2,000 fine. In addition,
17 you may be held in contempt of court punishable by an
18 additional \$500 fine and 25 days in the Clark County
19 Detention Center.

20 Do you understand this admonition?

21 THE WITNESS: Yes, sir.

22 THE FOREPERSON: Thank you. You are
23 excused.

24 THE WITNESS: Thank you.

25 MS. LEXIS: Prior to submitting for your

1 consideration the charges I would just like to explain a
2 little bit about some of the exhibits.

3 I have Grand Jury Exhibit Number 7 which is
4 a copy of the certified DMV records and the front is the
5 certified custodian of record sheet and also the second
6 page shows the vehicle registration data for a 2006
7 Pontiac Grand Am registered to Kellie Erin Chapman.

8 Grand Jury Exhibit Number 8 is another
9 certified, a copy of a certified DMV record. The first
10 page shows that the custodian of records conducted a
11 search of license plate number 438 Victor Frank Unit and
12 indicated that the above referenced plate number is not
13 valid in the State of Nevada. The second page is also a
14 certified printout indicating that same information.

15 And Grand Jury Exhibit Number 6 is a, first
16 page is a letter from the custodian of records from
17 Metro's gun registration department indicating that they
18 did a search for the registrant of a Colt .38 revolver,
19 serial number 941609 and the second is the actual gun
20 registration, copy of the certified, indicating that the
21 Colt revolver, serial number 941609, was in fact
22 registered to Jeffrey Haberman who you just heard from.

23 I am admitting these as business records,
24 certified business records under the hearsay exception,
25 but they've also been testified to.

1 A JUROR: I think there is one correction
2 you want to make under Count 4, page 3, line 11. It's
3 just a gender difference. But Kenya Splond is a male.
4 So rather than feloniously for her own gain, should it
5 say for his own gain?

6 MS. LEXIS: Yes. Thank you so much for
7 catching that. We can make that correction.

8 Okay. I would now submit for your
9 deliberation.

10 (At this time, all persons, other than
11 members of the Grand Jury, exit the room at 4:09 p.m.
12 and return at 4:13 p.m.)

13 THE FOREPERSON: Madame District Attorney,
14 by a vote of 12 or more grand jurors a true bill has
15 been returned against defendant defendants Kenya Splond
16 and Kellie Erin Chapman charging the crimes of
17 conspiracy to commit robbery, burglary while in
18 possession of a firearm, robbery with use of a deadly
19 weapon, and possession of stolen property, in Grand Jury
20 Case Number 13AGJ118AB. We instruct you to prepare an
21 Indictment in conformance with the proposed Indictment
22 previously submitted to us.

23 MS. LEXIS: Thank you.

24 (Proceedings concluded.)
25

REPORTER'S CERTIFICATE

STATE OF NEVADA)
 : Ss
COUNTY OF CLARK)

I, Danette L. Antonacci, C.C.R. 222, do
hereby certify that I took down in Shorthand (Stenotype)
all of the proceedings had in the before-entitled matter
at the time and place indicated and thereafter said
shorthand notes were transcribed at and under my
direction and supervision and that the foregoing
transcript constitutes a full, true, and accurate record
of the proceedings had.

Dated at Las Vegas, Nevada,
March 4, 2014

/s/ Danette L. Antonacci

Danette L. Antonacci, C.C.R. 222

1 AFFIRMATION

2 Pursuant to NRS 239B.030

3
4 The undersigned does hereby affirm that the
5 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
6 13AGJ118AB:
78 X Does not contain the social security number of any
9 person,

10 -OR-

11 ____ Contains the social security number of a person as
12 required by:13 A. A specific state or federal law, to-
14 wit: NRS 656.250.

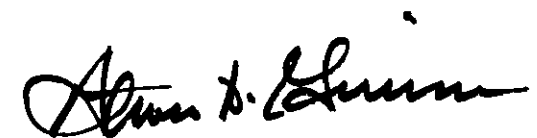
15 -OR-

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

19 /s/ Danette L. Antonacci

20 Signature

21 3-4-14
22 Date23 Danette L. Antonacci
24 Print Name25 Official Court Reporter
Title



CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES LEXIS
Deputy District Attorney
Nevada Bar #11064
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-

KENYA SPLOND, aka,
Kenny Splond, #1138461

Defendant.

CASE NO: C-14-296374-1

DEPT NO: VIII

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

TO: KENYA SPLOND, aka, Kenny Splond, Defendant; and

TO: FRANK P. KOCKA, 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:

NAME

ADDRESS

BRUMAGHIN, A.

LVMPD P#13756

CARTER, J.

LVMPD P#14302

CHAPMAN, KELLIE ERIN

1152 Kabuki Ave, Henderson, NV 89074

CUSTODIAN OF RECORDS

CCDC

CUSTODIAN OF RECORDS

LVMPD - DISPATCH

CUSTODIAN OF RECORDS

LVMPD - RECORDS

CUSTODIAN OF RECORDS

NEVADA DMV

CUSTODIAN OR RECORDS

STAR MART, 5001 N. Rainbow, LVN 89130

FORSON, C.

LVMPD P#14082

GARCIA, B.

LVMPD P#13822

HAAS, F.

LVMPD P#7420

HABERMAN, JEFFREY

1881 W. Alexander Rd, #1146, NLVN 89032

HOFFMAN, N.

LVMPD P#13516

KIRWIN, B.

LVMPD P#13890

LANDERS, J.

LVMPD P#8073

LNU, ARACELI

STAR MART, 5001 N. Rainbow, LVN 89130

RALYEA, C.

LVMPD P#13357

ROWBERRY, J.

LVMPD P#13894

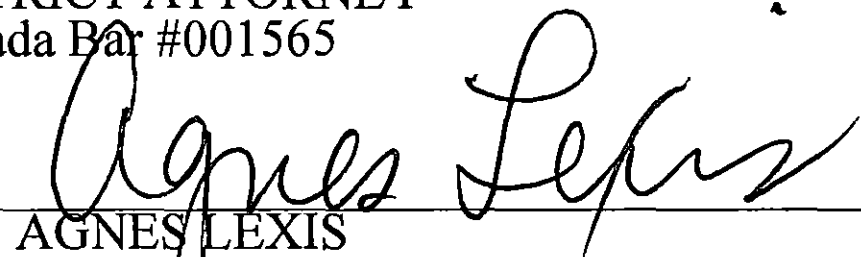
SLATHAR, BRITTANY

C/O District Attorney's Office

These witnesses are in addition to those witnesses endorsed on the Information and any other witness for which a separate Notice has been filed.

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar #001565

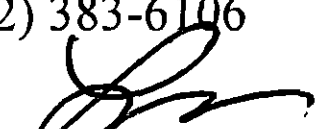
BY


AGNES LEXIS
Deputy District Attorney
Nevada Bar #11064

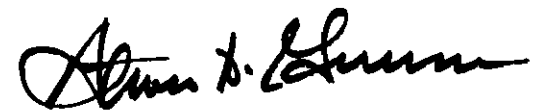
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of Notice of Witnesses, was made this 19th day of March, 2003, by facsimile transmission to:

FRANK P. KOCKA, ESQ.
(702) 383-6106


Employee of the District Attorney's Office

14F01777A/llm/L1



CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES LEXIS
Chief Deputy District Attorney
Nevada Bar #11064
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-

KENYA SPLOND, aka,
Kenny Splond, #1138461

Defendant.

CASE NO: C-14-296374-1

DEPT NO: VIII

SUPPLEMENTAL NOTICE OF WITNESSES

[NRS 174.234(1)(a)]

TO: KENYA SPLOND, aka, Kenny Splond, Defendant; and

TO: FRANK P. KOCKA, 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:

- Indicates Additional Witnesses

NAME

ADDRESS

BRUMAGHIN, A.

LVMPD P#13756

CARTER, J.

LVMPD P#14302

CHAPMAN, KELLIE ERIN

1152 Kabuki Ave, Henderson, NV 89074

*COLEMAN, R.

LVMPD P# 13843

CUSTODIAN OF RECORDS

CCDC

CUSTODIAN OF RECORDS

LVMPD - DISPATCH

1	CUSTODIAN OF RECORDS	LVMPD – RECORDS
2	CUSTODIAN OF RECORDS	NEVADA DMV
3	CUSTODIAN OR RECORDS	STAR MART, 5001 N. Rainbow, LVN 89130
4	*FAIRWEATHER, M.	LVMPD P# 8390
5	FORSON, C.	LVMPD P#14082
6	*FRANCIS, D.	LVMPD p# 8434
7	GARCIA, B.	LVMPD P#13822
8	HAAS, F.	LVMPD P#7420
9	HABERMAN, JEFFREY	1881 W. Alexander Rd, #1146, NLVN 89032
10	HOFFMAN, N.	LVMPD P#13516
11	KIRWIN, B.	LVMPD P#13890
12	LANDERS, J.	LVMPD P#8073
13	LNU, ARACELI	STAR MART, 5001 N. Rainbow, LVN 89130
14	*MCCRAY, D.	LVMPD P# 8126
15	RALYEA, C.	LVMPD P#13357
16	ROWBERRY, J.	LVMPD P#13894
17	SLATHAR, BRITTANY	C/O District Attorney's Office

18 These witnesses are in addition to those witnesses endorsed on the Information and any
19 other witness for which a separate Notice has been filed.

20 STEVEN B. WOLFSON
21 DISTRICT ATTORNEY
22 Nevada Bar #001565

23 BY /s/ Agnes Lexis
24 AGNES LEXIS
25 Chief Deputy District Attorney
26 Nevada Bar #11064

25 ///
26 ///
27 ///
28 ///

CERTIFICATE OF FACSIMILE TRANSMISSION

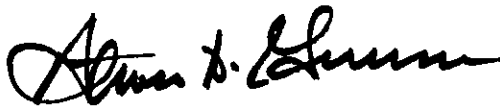
I hereby certify that service of Supplemental Notice of Witnesses, was made this 7th day of August, 2014, by facsimile transmission to:

FRANK P. KOCKA, ESQ.
(702) 383-6106

/s/ Stephanie Johnson
Employee of the District Attorney's Office

1 **NOTM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 Hagar Trippiedi
6 Deputy District Attorney
7 Nevada Bar #0010114
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2211
10 (702) 671-2500
11 Attorney for Plaintiff

Electronically Filed
03/03/2015 12:11:20 PM


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 KENNY SPLOND #1138461,

14 Defendant.

Case No. C-14-296374

DEPT No. VIII

15
16 **NOTICE OF MOTION AND MOTION TO CONSOLIDATE**

17 DATE OF HEARING: March 18, 2015

18 TIME OF HEARING: 8:00 A.M.

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
20 through Hagar Trippiedi, Deputy District Attorney, and files this Notice of Motion and Motion
21 to Consolidate.

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

25 **NOTICE OF HEARING**

26 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned
27 will bring the foregoing motion on for setting before the above entitled Court, in Department


28 ///

1 8 thereof, on the 18th day of March, 2015, at the hour of 8:00 o'clock , or as soon thereafter as
2 counsel may be heard.

3 DATED this _____ day of March, 2015.

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

8
9 BY


10 HAGAR TRIPPIEDI
11 Deputy District Attorney
12 Nevada Bar #0010114

13 **PROCEDURAL HISTORY**

14 Kenny Splond (hereinafter "defendant") was charged and indicted in case C-14-300105
15 with one (1) count of Burglary While in Possession of a Firearm, one (1) count of Robbery
16 with Use of a Deadly Weapon, one (1) count of Burglary While in Possession of a Firearm,
17 and one (1) count of Robbery with Use of a Deadly Weapon. Trial is set to commence May
18 26, 2015.

19 The Defendant was charged and indicted in a related case, C-14-296374-1 with one (1)
20 count Conspiracy to Commit Robbery, one (1) count Burglary While In Possession of a
21 Firearm, one (1) count Robbery With us of a Deadly Weapon, and one (1) count Possession
22 of Stolen Property. Trial in that case is set to commence on March 17, 2015.

23 **STATEMENT OF FACTS**

24 1. Case C-14-300105

25 On January 22, 2014, Sam Echeverria was working at the Cricket Wireless store located
26 at 4343 N. Rancho Drive when he was robbed at gunpoint. (Preliminary Hearing Transcript,
27 hereinafter "PHT" 7). The Defendant came in and posed as a customer, asking for a cellphone
28 battery. (PHT 8). As Mr. Echeverria went to the register to ring him up, Defendant pointed a
black firearm at him and said "give me all the money in the register before I blow your brains

1 out.” (PHT 8-9). Mr. Echeverria gave the defendant \$386.71. (PHT 10).

2 On January 28, 2014, Graciela Angeles was working at the Metro PCS store located at
3 6663 Smoke Ranch Road. (PHT 14). The Defendant came in posing as a customer, asking to
4 buy a cell phone. (PHT 15). When Ms. Angeles asked him if he wanted to pay cash or debit,
5 the Defendant pulled out a gun and told her to give him all the money from the register. (PHT
6 15). Ms. Jimenez gave the Defendant \$300.00. (PHT 16).

7 2. Case C-14-296374

8 On February 2, 2014, Brittany Slathar was working at the Star Mart Convenience
9 Store located at 5001 N. Rainbow Boulevard. (PHT 10). The Defendant walked in, posed as a
10 customer, and asked for two packs of Newport cigarettes. (PHT 11). As Ms. Slather began to
11 ring him up, the Defendant pulled a gun out of his sweatshirt and told her to give him the
12 money. (PHT 11). Ms. Slather attempted to open the register but it would not open without a
13 sale. (PHT 12, 14). While she was trying to open the register, the Defendant was telling her to
14 open the drawer or her life is over and that if she didn’t give him the money he was going to
15 shoot her in the head. (PHT 12, 15). The Defendant got away with a pack of gum and two
16 packs of Newport cigarettes. (PHT 15).

17 **POINTS AND AUTHORITIES**

18 **I. The Defendants’ Indictments Should be Consolidated Because the Charges in**
19 **Each Indictment are Factually Connected and Evidence a Common Scheme or Plan.**

20 NRS 174.155 provides:

21 The court may order two or more indictments or informations to be tried together if
22 the offenses, and the defendants if there is more than one, could have been joined in a
23 single indictment or information. The procedure shall be the same as if the
prosecution were under such single indictment or information.

24 NRS 173.115 provides:

25 Two or more offenses may be charged in the same indictment or information and a
26 separate count for each offense if the offenses, whether felonies or misdemeanors or

27 both, are:

- 28 1. Based on the same act or transaction; or

1 2. Based on two or more acts or transactions connected together or
2 constituting parts of a common scheme or plan.

3 In considering whether to allow consolidation, the courts have looked that the
4 conflicting policies of judicial economy and efficiency of judicial administration, controlling
5 court calendars in avoidance of multiple trials, and any resulting prejudice to a defendant
6 which may arise from consolidation. See United States v. Fancher, 195 F. Supp. 634 (D.
7 Conn.), affirmed, 319 F.2d 604 (4th Cir. 1963). Moreover, as the Nevada Supreme Court has
8 repeatedly held, the decision to allow the joinder of offenses lies within the sound discretion
9 of the trial court and such a decision will not be reversed absent an abuse of discretion. Robins
10 v. State, 106 Nev. 611, 798 P.2d 558 (1990); Mitchell v. State, 105 Nev. 735, 782 P.2d 1340
11 (1989); Lovell v. State, 92 Nev. 128, 132, 546 P.2d 1301, 1303 (1976). The United States
12 Supreme Court has noted that joint trials are preferred because “they promote efficiency and
13 ‘serve the interests of justice by avoiding the scandal and inequity of inconsistent verdicts.’”
14 United States v. Zafiro, 113 S.Ct. 933 (1993). Further, the United States Supreme Court held
15 that the joinder of criminal offenses is not an issue that raises constitutional concern. Spencer
16 v. Texas, 385 U.S. 554, 87 S.Ct. 648 (1967).

17 In Graves v. State, 912 P.2d 234 (Nev. 1996) the Nevada Supreme Court upheld the
18 joinder of two counts of burglary wherein the defendant entered one casino and stole coins
19 from a patron and, thereafter, entered a different casino and stole money from a cashier. Again,
20 the court justified the joinder because the two charged offenses “were part of a common
21 scheme or plan and factually connected.”

22 In Tillema v. State, 112 Nev. 266, 914 P.2d 605 (1996), the Nevada Supreme Court
23 held that when separate crimes are connected together by a continued course of conduct,
24 joinder is appropriate. Additionally, the Court found that, “if... evidence of one charge would
25 be cross-admissible in evidence at a separate trial on another charge, then both charges may
26 be tried together and need not be severed.” Id. at 268..

27 Tillema involved the joinder of two vehicular burglaries and one store burglary. 112
28 Nev. At 268. The Court held that the two vehicular burglaries evidenced a common scheme

1 or plan because both offenses involved vehicles in casino parking garages and occurred only
2 seventeen days apart. Id. The Court concluded that evidence from both cases would be cross-
3 admissible to prove Tillema's felonious intent in entering the vehicle. Id.

4 In the instant case, the charges against Defendant Kenny Splond should be consolidated
5 into one Indictment because they are factually connected and involve a common scheme or
6 plan. The events in case C-14-300105 involve two robberies of employees at a store while the
7 Defendant posed as a customer and asked for money from the register. The two incidents in
8 that case took place on January 22, 2014 and January 28, 2014, only six (6) days apart. The
9 incident in the instant case also involves the robbery of a store employee where the Defendant
10 posed as a customer. That incident occurred on February 2, 2014, just 5 days after the other
11 two incidents.

12 The three incidents here evidence a common scheme or plan because each of the
13 offenses involve store robberies and occurred only 11 days apart. The evidence from each
14 trial would be cross-admissible to demonstrate the Defendant's felonious intent when entering
15 the stores and pointing the gun at the store employees. A consolidated trial would promote
16 judicial efficiency and ensure that valuable courtroom time is not wasted; as the facts
17 contained in C-14-3001015 are inherent to this case.

18 I. CONCLUSION

19 For the foregoing reasons, the State respectfully requests that the Court consolidate
20 the two indictments into a single case, best reflected as the earlier filed case C-14-296374-1.
21

22 DATED this 3rd day of March, 2015.

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

26 BY

27 Hagar Trippiedi
28 Deputy District Attorney
Nevada Bar #0010114

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of NOTICE OF MOTION AND MOTION TO CONSOLIDATE, was made this 3rd day of March, 2015, by Electronic Filing to:

FRANK KOCKA, ESQ.
EMAIL: fkocka@yahoo.com


Secretary for the District Attorney's Office

14F03420X/mlb/L-2

ORIGINAL

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

APR 08 2015

BY: 
LOUISA GARCIA, DEPUTY

1 AIND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 HAGAR TRIPPIEDI
6 Deputy District Attorney
7 Nevada Bar #10114
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

C-14-296374-1
AIND
Amended Indictment
4447829



THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-14-296374-1

-vs-

DEPT NO: VIII

KENNY SPLOND, aka,
Kenya Splond, #1138461

Defendant.

AMENDED
INDICTMENT

STATE OF NEVADA }
COUNTY OF CLARK } ss.

The Defendant above named, KENNY SPLOND, aka, Kenya Splond, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - 50147); BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - 50426); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - 50138) and POSSESSION OF STOLEN PROPERTY (Category B Felony - NRS 205.275(2)(c) - 56060), committed at and within the County of Clark, State of Nevada, on or about the 2nd day of February, 2014, as follows:

COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

Defendant KENNY SPLOND, aka, Kenya Splond and Co-Conspirator KELLIE ERIN CHAPMAN did, then and there meet with each other and between themselves, and each of them with the other, wilfully, unlawfully, and feloniously conspire and agree to commit

000114

AA000081

1 robbery, and in furtherance of said conspiracy, defendants did commit the acts as set forth in
2 Count 2 and 3, said acts being incorporated by reference as though fully set forth herein.

3 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

4 Defendants KENNY SPLOND, aka, Kenya Splond and Co-Conspirator KELLIE ERIN
5 CHAPMAN did then and there wilfully, unlawfully, and feloniously enter, with intent to
6 commit robbery, that certain building occupied by STAR MART, located at 5001 North
7 Rainbow, Las Vegas, Clark County, Nevada, said Defendant did possess and/or gain
8 possession of a firearm during the commission of the crime and/or before leaving the structure,
9 to wit: (1) by directly committing this crime and /or (2) by aiding and abetting in the
10 commission of this crime, with the intent that this crime be committed, by providing counsel
11 and/or encouragement and by entering into a course of conduct whereby Defendant KENNY
12 SPLOND, aka, Kenya Splond entered Star Mart, located at 5001 N. Rainbow Boulevard, Las
13 Vegas, Clark County, Nevada with a firearm and demanded money and/or cigarettes and/or
14 gum from BRITTANY SLATHAR and took cigarettes and/or gum while Co-Conspirator
15 KELLIE CHAPMAN provided Defendant KENNY SPLOND, aka, Kenya Splond
16 transportation to the Star Mart prior to the robbery and/or acted as a getaway driver and/or
17 look-out and both Defendants fled the scene together and/or (3) pursuant to a conspiracy to
18 commit this crime.

19 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

20 Defendants KENNY SPLOND, aka, Kenya Splond and Co-Conspirator KELLIE ERIN
21 CHAPMAN did then and there wilfully, unlawfully, and feloniously take personal property,
22 to-wit: cigarettes and gum, from the person of BRITTANY SLATHAR, or in her presence,
23 by means of force or violence, or fear of injury to, and without the consent and against the will
24 of BRITTANY SLATHAR, with use of a deadly weapon, to-wit: a handgun, to wit: (1) by
25 directly committing this crime and /or (2) by aiding and abetting in the commission of this
26 crime, with the intent that this crime be committed, by providing counsel and/or
27 encouragement and by entering into a course of conduct whereby Defendant KENYA
28 SPLOND entered Star Mart, located at 5001 N. Rainbow Boulevard, Las Vegas, Clark County,

1 Nevada with a firearm and demanded money and/or cigarettes and/or gum from BRITTANY
2 SLATHAR and took cigarettes and/or gum while Co-Conspirator KELLIE CHAPMAN
3 provided Defendant KENNY SPLOND, aka, Kenya Splond transportation to the Star Mart
4 prior to the robbery and/or acted as a getaway driver and/or look-out and both Defendants fled
5 the scene together and/or (3) pursuant to a conspiracy to commit this crime.

6 COUNT 4 - POSSESSION OF STOLEN PROPERTY

7 Defendant KENNY SPLOND, aka, Kenya Splond did, wilfully, unlawfully, and
8 feloniously for his own gain, possess property wrongfully taken from JEFFREY BRUCE
9 HABERMAN, to-wit: Colt 38 revolver serial# 941609, which Defendant knew, or had reason
10 to believe, had been stolen.

11 COUNT 5 - BURGLARY WHILE IN POSSESSION OF A FIREARM

12 Defendant KENNY SPLOND, aka, Kenya Splond did, on or about January 22, 2014,
13 then and there wilfully, unlawfully, and feloniously enter, with intent to commit robbery,
14 that certain building occupied by SAMUEL ECHEVERRIA, located at 4343 North Rancho
15 Drive, Apartment No. 104, Las Vegas, Clark County, Nevada, said Defendant did possess
16 and/or gain possession of a firearm during the commission of the crime and/or before leaving
17 the structure.

18 COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON

19 Defendant KENNY SPLOND, aka, Kenya Splond did, on or about January 22, 2014,
20 wilfully, unlawfully, and feloniously take personal property, to-wit: lawful money of the
21 United States, from the person of SAMUEL ECHEVERRIA, or in his presence, by means of
22 force or violence, or fear of injury to, and without the consent and against the will of
23 SAMUEL ECHEVERRIA, with use of a deadly weapon, to-wit: a handgun.

24 COUNT 7 - BURGLARY WHILE IN POSSESSION OF A FIREARM

25 Defendant KENNY SPLOND, aka, Kenya Splond did, on or about January 28, 2014,
26 then and there wilfully, unlawfully, and feloniously enter, with intent to commit robbery,
27 that certain building occupied by GRACIELA ANGELES, located at 6663 Smoke Ranch
28

1 Road, Las Vegas, Clark County, Nevada, said Defendant did possess and/or gain possession
2 of a firearm during the commission of the crime and/or before leaving the structure.

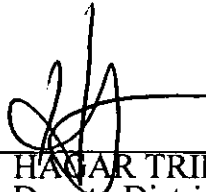
3 COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON

4 Defendant KENNY SPLOND, aka, Kenya Splond did, on or about January 28, 2014
5 wilfully, unlawfully, and feloniously take personal property, to-wit: lawful money of the
6 United States, from the person of GRACIELA ANGELES, or in her presence, by means of
7 force or violence, or fear of injury to, and without the consent and against the will of
8 GRACIELA ANGELES, with use of a deadly weapon, to-wit: a handgun.

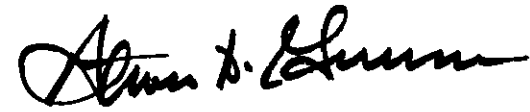
9
10 DATED this 26th day of March, 2015.

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

14
15 BY


16 HAGAR TRIPPIEDI
17 Deputy District Attorney
18 Nevada Bar #10114
19
20
21
22
23
24
25

26 13AGJ118A-B/14F01777A-B/mlb/L-2
27 LVMPD EV# 1402020525
28 (TK11)



CLERK OF THE COURT

NOT

T. AUGUSTUS CLAUS, ESQ.
LEGAL RESOURCE GROUP, LLC.

Nevada Bar No. 10004

205 N. Stephanie St., Suite D221

Henderson, NV 89074

Telephone: (702) 463-4900

Fax: (702) 463-4800

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

KENYA SPLOND,
#1138461

Defendant.

Case No.: C-14-296374-1

Dept. No.: 8

NOTICE OF EXPERT WITNESSES

AND WITNESSES

TO: STEVEN WOLFSON, Chief Deputy District Attorney

KENYA SPLOND also gives notice of his intention to use any and all witnesses listed by the STATE OF NEVADA in their expert witness notices and witness notices, their charging information(s) and witness notices.

Notice is hereby given, pursuant to NRS 174.234, containing the names and last known addresses of witnesses the Defendant intends to call during the Case in Chief of the Defendant at trial (excluding any victim address made confidential):

Expert Witness

Address

LARRY SMITH

6895 E. Lake Mead Blvd., Suite A6-131
Las Vegas, NV 89156

Larry Smith is an expert in the creation, deletion and analysis of electronically stored information on computers and cell phones, including cellular technology. Smith's expertise extends to the science and technology to retrieve video, audio and other embedded data evidence from analog and digital devices, the processes and procedures to retrieve such recorded evidence, the examinations done on the evidence in this case, the results of such testing and reports prepared in this regard. Smith is prepared to offer testimony relating to the forensic analysis of electronic devices, including best practices and procedures, error correction and creation, forensic tools and equipment available to Las Vegas Metropolitan Police, interpretation and

extrapolation from electronic data, including cell tower, cell phone records and data, plotting cell phone/tower data on relevant maps based on historical records of cellular phone records, as well as the creation, functioning, data collection and information received and collected by cellular provider cell sites and conclusions which can be drawn therefrom. Smith is also expected to provide testimony on social media records, including cellular and internet based records and other electronically stored information relevant to the instant case.

NORAH RUDIN, PhD.

650 Castro St., Suite 120-404
Mountain View, CA 94041

Dr. Rudin will be expected to offer testimony related to DNA evidence extractions, comparisons, analysis, mathematical models, and the identification of bodily fluids, including the theory and best practices and procedures related to DNA laboratories and science. Dr. Rudin will testify to all aspects that are part of the conclusion of any DNA related reports supplied by the State of Nevada, including bench notes, reports and testing in this case. Testimony will include all aspects of the science associated with DNA and the statistical analysis therein.

ROBERT IRWIN

P.O. Box 20610
Las Vegas, NV 89112

Robert Irwin is expected to offer testimony relating to the forensic analysis of firearm and toolmark comparisons, including best practices and procedures, error correction and creation, forensic tools and equipment available to Las Vegas Metropolitan Police, interpretation of firearm and toolmark data, including shell casings, caliber of firearms, bullets and other firearm and/or toolmark information, including bullet trajectory relevant to the instant case.

MICHAEL SWEEDO

P.O. Box 129
Sonoita, AZ 85637

Michael Sweedo is expected to offer testimony relating to the forensic analysis of latent fingerprint comparison, including best practices and procedures, error correction and creation, science and techniques available, interpretation of latent fingerprint comparison relevant to the instant case.

The substance of each expert's testimony and a copy of all report made by or at the direction of the expert witness have been provided in discovery. The Curriculum Vitae for identified expert witness is attached to this Notice.

Notice is also hereby given of these additional witnesses:

CUSTODIAN OF RECORDS,
OR DESIGNEE

CCDC
330 S. Casino Center Blvd., Las Vegas NV

CUSTODIAN OF RECORDS,
OR DESIGNEE

LVMPD COMMUNICATIONS
400 MLK Blvd., Las Vegas NV

CUSTODIAN OF RECORDS,

LVMPD RECORDS

1 OR DESIGNEE 400 MLK Blvd., Las Vegas NV
2 CUSTODIAN OF RECORDS, LVMPD DISPATCH
OR DESIGNEE 1301 E. Lake Mead Blvd, N. Las Vegas
3
4 CUSTODIAN OF RECORDS, NEVADA DMV
OR DESIGNEE
5 CUSTODIAN OF RECORDS, STAR MART
6 OR DESIGNEE 5001 N. Rainbow, Las Vegas NV 89130
7
8

9 DATED this 3rd day of August, 2015.

10 LEGAL RESOURCE GROUP, LLC.

11 /s/ T. Augustus Claus

12 T. AUGUSTUS CLAUS, ESQ.
13 LEGAL RESOURCE GROUP, LLC.
14 Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of **LEGAL RESOURCE GROUP, LLC.**, and that on the 3rd day of August, 2015, I caused the foregoing **Notice of Expert Witness List** to be served as follows:

☐ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or

☐ by hand delivery via runner

☒ via electronic service

to the attorneys listed below:

DISTRICT ATTORNEY'S OFFICE
Clark County District Attorney
200 South Lewis Avenue
Las Vegas, Nevada 89155
pdmotions@clarkcountyda.com

/s/ Tobi Caperon
An Employee of the Legal Resource Group, LLC.

Larry Smith
Private Investigator #1751A

Nevada Digital Forensics
6895 E. Lake Mead Blvd. Ste. A6-131
Las Vegas, Nevada 89156

<http://www.NvDigitalForensics.com>

Contact info:
larry@nvdigitalforensics.com
nvdigitalforensics@gmail.com

702-600-2138

Larry Smith is the owner and operator of Nevada Digital Forensics based out of Las Vegas, Nevada. Larry was a 24 year veteran of the Las Vegas Police Department retiring in 2012. He has worked in various details of the LVMPD including Patrol, Gang Unit, Community Policing, Domestic Violence detail, Physical Abuse Detail, and the Sexual Abuse Detail. In early 1999 he started the Cyber Crimes Detail of the Las Vegas Metro Police department and assisted in the creation of the Internet Crimes Against Children Detail (ICAC) as well as the FBI / LVMPD Innocent Image task force.

In January 2003 the LVMPD Cyber Crimes Detail, and myself, joined forces with the United States Secret Service's Electronic Crimes Task Force. I assisted in the creation of the Electronic Crimes Detail as a Forensic Data Recovery Specialist.

A Data Recovery Specialist uses special tools, techniques, and software programs to make forensically sound copies of suspect hard drives and related media and analyze those copies for evidence of a crime or that no proof that a crime had occurred.

Larry has received the following training:

He was promoted to Detective and assigned to the Physical Abuse Detail from 11-1996 to 6-1997. The Physical Abuse Detail investigates physically abused children and the elderly.

He then was reassigned to the Sexual Abuse Detail in June 1997 until August of 2000.

While assigned to the Sexual Abuse Detail he assisted in the creation of the Internet Crimes Against Children Detail. The main mission if the ICAC detail was the apprehension of sex offenders when their target was children and their tool was the Internet and/or a computer. This included all child pornography cases.

His last assignment was in the USSS Electronic Crimes Task Force and the LVMPD Computer Forensics Unit that consisted of investigating any crime where a computer, PDA, or cell phone was used to facilitate that crime. These crimes include Homeland Defense issues, Homicides, Internet Stalking, Robberies, Network Intrusions, Kidnappings, Email and Online Fraud, Child Pornography, Luring Children using Computers, etc.

Larry has also had training in cell phone tracking and CDR (Call Detail Records) as a part of his cell phone forensics courses as well the as Harris Corp. cell phone tracking course listed below.

In addition to the data recovery classes listed below, Larry Smith has had training in all aspects of criminal investigative work such as fraud, robbery, crimes against persons, and property crimes.

Larry is also licensed Private Investigator (#1751A).

COMPUTER/INTERNET/CELLPHONE TRAINING:

09/95-11/96	Choice Computers as an apprentice technician	200+hrs
11-03-97	Computer Seizure Workshop	40 hrs
01-14-99	FBI Innocent Images (Internet Child Porn)	12 hrs
08-09-99	Protecting Children Online	36 hrs
12-13-99	Innocent Images Training	40 hrs
01-25-00	Encase Training	24 hrs
04-17-00	Data Recovery and Analysis	36 hrs
05-01-00	International Assoc. of Comp. Invest. Specialists	80 hrs

12-05-00	Internet Crimes Against Children conference	24 hrs
01-09-00	Computer forensics exams using Encase	32 hrs.
09-06-00	9 th Annual Western States Sexual Assault Seminar	24 hrs.
09-05-01	10 th Annual Western States Sexual Assault Seminar	24 hrs.
02-26-01	AccessData Forensic Exams and Password Retrieval	32 hrs
09-14-01	Encase Users Conference	8 hrs
10-22-01	NTI Computer Forensics Training	36 hrs
12-09-01	2001 ICAC Training Conference	20 hrs
03-19-02	Encase Advanced training	32 hrs
04-12-02	National White Collar Crime Data Recovery	36 hrs
09-23-02	NIPC Networks/System Security for Agents	80 hrs
10-15-02	Investigating Cyber Attacks	32 hrs
10-28-02	Beginning Unix for Investigators	40 hrs
10-28-02	Advanced Unix for Investigators	40 hrs
11-01-02	Basic Solaris 8 system administration	32 hrs
11-22-02	Advanced Solaris Administration	32 hrs
12-13-02	Unix for Investigators Part 3	40 hrs
02-18-03	Encase 4 Intermediate	32 hrs
03-03-03	Basic Linux/Basic SMART Training	40 hrs
04-28-03	LPI Linux 101	40 hrs
05-12-03	LPI Linux 102	40 hrs
05-26-03	Red Hat Linux Essentials 1-4	32 hrs
06-09-03	Red Hat RH133 Linux System Administration	32 hrs
06-17-03	Red Hat RH253 Linux Networking-Security	32 hrs
06-23-03	ADRA Advanced Data Recovery	32 hrs
08-18-03	Linux Professional Institute Boot Camp	77 hrs
09-25-03	Hard Drive Analysis, FAT, NT, Linux	21 hrs
09-23-03	FAT/Linux/NTFS File System Review	21 hrs
11-14-03	A+ Certification Operating Systems	40 hrs
01-12-04	SMART for Linux Intermediate/Advanced	32 hrs
04-19-04	Macintosh Forensics Course	40 hrs
05-03-04	Ethical Hacking Course	40 hrs
07-13-04	Encase Internet and Email Examinations	32 hrs
08-31-04	Apple Macintosh Server Essentials	32 hrs
03-09-04	Mac OS Server Essentials 10.3	32 hrs
01-26-05	Hidden Data Communications	8 hrs
02-08-05	Encase Network Intrusion Examinations	32 hrs
06-06-05	TCP/IP and Network Intrusions	32 hrs
09-19-05	Cell Phone Forensics, MFI	32 hrs
11-12-05	Advanced BitPim Cell Phone Forensics	10 hrs
11-28-05	Stingray/Kingfish training, Harris Corp	32 hrs
12-16-05	Network Hacking (Synerity Systems)	35 hrs
1-10-06	DOD Cyber Crimes Conference	32 hrs
02-02-06	Mac OSX Server Training v10.4	32 hrs
05-25-06	Wireless Communications	40 hrs
6-27-06	Encase V5 Advanced Forensics	32 hrs

8-31-06	Network Forensics-DefCon edition	32 hrs
01-23-07	E-fence live incident response course (Helix)	24 hrs
03-02-07	Encase Computer Forensics II	32 hrs
04-15-07	Handheld Forensics	32 hrs
08-02-07	Advanced Hacking Techniques - Synerity	32 hrs
10-11-07	Access Data Windows Forensic	21 hrs
10-12-07	Access Data Vista Forensics	07 hrs
11-07	Paraben Advanced Cell Phone Seizure	32 hrs
11-16-07	ICAC Investigation of Cellular Telephones (SEARCH)	32 hrs
04-11-08	Wireless LAN (Synerity)	32 hrs
04-24-08	DC Live Audio Forensics	32 hrs
08-07-08	Workstation Examination (DefCon Edition(Synerity))	32 hrs
03-26-09	Windows Forensic Registry (Access Data)	21 hrs
05-15-09	Advanced Cellular Forensic (US Secret Service)	40 hrs
12-13-09	Internet Forensics (Access Data)	21hrs
03-05-10	Mobile Phone Examiner Analysis (Access Data)	7hrs
03-12-10	Bitpim & Cellular Phone Artifacts (access Data)	7hrs
06-04-10	AccessData Oxygen Forensics Suite II	7hrs
06-17-10	AccessData Bootcamp	21hrs
06-06-10	Techno Security Conference	32hrs
07-27-10	Defcon Preconference Training (Network threats)	15hrs
08-20-10	Accessdata Mobile Forensics Workshop 202	35 hrs
12-08-10	Live Data Acquisition and Analysis Course	16hrs
12-09-10	Windows 7 Forensic Course	8 hrs
01-20-11	Cellular Forensics, Data Recovery, Mobile Spyware	24 hrs
01-24-11	Call Detail Records & GPS Devices	7 hrs
04-08-11	Phone Repair and Chip Off Analysis	40 hrs
05-12-11	SANS Adv. Computer Analysis and Incident Response	36hrs
06-01-11	iOS Forensic Analysis and Lantern Training	16hrs
06-08-12	Techno Security Conference	32 hrs.
09-23-11	SANS Mobile Device Forensics	30hrs
10-13-11	Cellebrite UFED Physical Certification	8hrs
10-13-11	Cellebrite UFED Certification	16hrs
04/19/12	2012 National Law Enforcement Training on Child Exploitation	22hrs
6/6/2012	Techno Security and Digital Investigations Conference	32 hrs.
03/08/12	Mobile Device Repair and JTAG course	32hrs

For a Total of 2822 hrs.

College of Southern Nevada

Summer 1999	CIT106b PC Maintenance and Configuration	3cr
Fall 1999	CIT107b A+ Software	3cr
Spring 2000	Unix Operating System	3cr
Fall 2000	CIT149b Networking Essentials	3cr
Summer 2001	CIT185b Windows 2000 Pro/Server	3cr

Fall 2001	ET249b Cisco Networking Academy	4cr
Spring 2004	Advanced Computer Forensics	3cr
Fall 2006	CIJ198b Encase Forensics	3cr

Instruction

Fall 2004-2006	Adjunct Professor at CSN teaching Computer forensics and Advanced Computer Forensics
Fall 2004	Adjunct Professor at CSN teaching Investigating Digital Crimes
11/07- 3/08	Part Time Instructor for Paraben Corp.
4/2013 to Present	ICAC and cellphone forensics Instructor at High Tech Crime Institute (HTCI)

CERTIFICATIONS:

11/08	Certified Advanced Cell Phone Seizure (Paraben Software)
09/99- 2012	Member of the High Tech Crime Consortium
05/12/00	Certified Electronic Evidence Collection Specialist (IACIS)
07/31/01	Microsoft Certified Professional ID# 2392098
03/08/02	CompTIA Network+ Certification ID # 10275221
04/02/07	ENCE Certification
06-22-10	ACE Certified (AccessData Certified Examiner)
10/13/2011	Cellebrite Certifications



PROFESSIONAL QUALIFICATIONS

◆ PROFESSIONAL CERTIFICATIONS

Certified by International Association for Identification as:
CERTIFIED LATENT PRINT EXAMINER since 1988
SENIOR CRIME SCENE ANALYST since 1990

◆ PROFESSIONAL TRAINING

SCIENTIFIC ANALYSIS, FACTS BEHIND AVE-V & DAUBERT, MAY 2005
RIDGEOLOGY, DAUBERT & TESTIMONY, NOV. 2003
ADVANCED RIDGEOLOGY, IAI, May, 1997
TRAINING SYMPOSIUM, IABPA & ACSR, 1996, IABPA 2000, 2001, 2004
TRAINING SYMPOSIUM, AZ Identification Council, 1993, 1996, 1997, 1998, 1999, 2000, 2003, 2005
FORENSIC FIREARMS, AZ Homicide Investigators Assn., 1996
INTL. ASSN. FOR IDENTIFICATION EDUCATIONAL SEMINAR, 1995
FOOTWEAR & TIRE TRACK CONFERENCE, AZ Identification Council, 1994
BLOODSTAIN PATTERN ANALYSIS WORKSHOP, Metro Dade PD, 1993
ADVANCED BLOODSTAIN PATTERN INTERPRETATION, AZ Homicide Investigators Assn., 1993
TRAINING CONFERENCE, AZ Identification Council, 1992, 1993, 1994
DEMYSTIFYING PALM PRINTS, Seminar, 1991
COLLECTION AND PRESERVATION OF PHYSICAL EVIDENCE SCHOOL, FBI Academy, Quantico, VA, 1989
IDENTIKIT (Composite) Seminar, 1988
ADVANCED LATENT FINGERPRINT COURSE, 1987
FBI ADVANCED LATENT FINGERPRINT SCHOOL, 1982
FBI FINGERPRINT CLASSIFICATION SCHOOL, 1982
CIVIL AND CRIMINAL IDENTIFICATION AND INVESTIGATION COURSE, American Institute of Applied Science, 1982

◆ SPEAKER

Arizona Attorneys for Criminal Justice Annual Conference
Arizona Association for Licensed Private Investigators
Arizona Society for Industrial Security
Tennessee Association of Criminal Defense Lawyers
US Army Trial Defense Service, Hanau, Germany

◆ PROFESSIONAL ASSOCIATIONS

Member of International Association for Identification
Member of Arizona Identification Council
Executive Committee - Past Member
Latent Print Certification Committee - Past Member & Past Chairman
Member of International Association of Bloodstain Pattern Analysts
Past member of Professional Photographers of America, Inc.

◆ EDUCATION

B.S. Business Administration, University of Arizona, 1972
MEd Educational Media, University of Arizona, 1979

◆ EXPERIENCE

Twenty four years experience testifying in federal, military, state and city courts. Experience supplemented by teaching and educational media background.

Eleven years experience with Tucson Police Department as an Identification Technician and Senior Identification Technician. Job duties included processing crime scenes for latent prints, evidence collection, latent print comparisons, John & Jane Doe identification, evidence processing, crime scene photography, crime scene analysis, photo darkroom work and section management.

Independent fingerprint consultant since May, 1992. During this time I have worked cases for defense and prosecuting attorneys, private investigators, government agencies and private individuals - both nationally and internationally. My work as an independent consultant has included testifying in federal and state courts, primarily for the defense, but also for the prosecution.

Mike Sweedo

P.O. Box 129

Sonoita, AZ 85637

(520) 455-5697

Cell Phone: (520) 403-5383

fingers@dakotacom.net

HOME

QUALIFICATIONS

SERVICES

FEES

LINKS

[HOME](#) | [QUALIFICATIONS](#) | [SERVICES](#) | [FEES](#) | [LINKS](#)

Robert M. Irwin
P.O. Box 20610
Las Vegas, NV 89112
Born February 2, 1944 Los Angeles, CA

Phone (702) 433-1081
FAX (702) 433-4706
Pager (702) 698-7301
E-mail bob@rirwin.com

EMPLOYMENT BACKGROUND

- 1962-63** Attended Oregon Technical Institute, Klamath Falls, Oregon.
Gunsmithing curriculum, one and one half years.
- 1962-63** Gunsmith at Joe's Sporting Goods, Klamath Falls, Oregon.
- 1963-70** Managed Motion Picture theaters in Los Angeles area for Continental,
Lowes and Pacific Theatres, moved to Flack Theaters as city manager.
- 1971-76** Moved to Las Vegas, employed by The Mint Hotel as a keno writer
and moved to the Union Plaza Casino as a keno shift supervisor.
- 1971-72** Part time gunsmith by Accuracy Gun Shop, Las Vegas, NV.
- 1972-77** Design work on various firearm projects, first U. S. patent issued
in 1976. Various firearms subsequently built by ATC using this patent
- 1978-82** Founded and operated ATC (Armament Technology Corporation), firearm
design and prototype manufacturing. Several firearm designs developed for
Arminex Corp and Mossberg Firearms as well as in house research.
- 1982-88** Founded and operated "The Survival Store" in Las Vegas, a firearm retail
store and gunsmithing operation. Added an indoor pistol range during expansion
in late 1983 and began teaching firearms classes on a regular basis.
Sold interest to partners in 1988.
- 1986-** Employed part time as Bailiff for Justice Court and as a Deputy for the
Boulder Township Constable's Office.
- 1988-** Founded and operated "The Gun Store" in Las Vegas encompassing retail
firearms, gunsmithing, indoor pistol ranges and firearms training.
- 1992** Continuing firearms design work, second U. S. Patent issued.
Prototype firearms built for Global Technologies, Ltd. (Australia).
- 1992-** Firearms instructor at various law enforcement academies for LEAA,
CCSN, On Scene, Inc. and the C.C. School District Police Dept.
- 2001-** Semi-retired from The Gun Store to pursue private firearms consulting
work, but still employed there as Instructor for Security Officer and
Concealed Weapon Permit, firearms and use of force classes.

.Robert M. Irwin, Biography
Firearms and Training Background

CERTIFICATIONS:

National Rifle Association

<i>Training Counselor (Instructor Trainer)</i>	<i>Rifle Instructor</i>
<i>Police Firearms Instructor</i>	<i>Personal Protection Instructor</i>
<i>Security Firearms Instructor</i>	<i>Home Firearms Safety Instructor</i>
<i>Pistol Instructor</i>	<i>Shotgun Instructor</i>

Nevada Attorney Generals Office, Private Investigator's Licensing Board

Security Firearms Instructor

Nevada Peace Officer's Standards and Training

Category II Peace Officer
Police Pistol Instructor
Police Shotgun Instructor
Law Enforcement Firearms Instructor Trainer

Utah Department of Public Safety

Concealed Firearms Instructor

ADDITIONAL BACKGROUND

One and a half years gunsmithing curriculum, Oregon Technical Institute

Two U.S. Patents issued for firearm operation systems

**Several firearms, safety and use of force articles published in various
firearms and law enforcement magazines**

More than 75 columns on firearms, force and law enforcement issues published by

The Vegas Times & The Las Vegas Gazette, community newspapers

**Gun stunts, safety and technical assistance provided for numerous motion
pictures, television productions, commercials and stage shows**

Firearms Instructor, Law Enforcement Assistance Association Category II

NV P.O.S.T Law Enforcement academies, 1992 and 1994

**Chief Firearms Instructor, ten Category I & four Category II law enforcement
academies at Community College of Southern Nevada, 1995-2002**

Chief Firearms Instructor five On Scene, Inc. Category II Academies 1998-2000

Chief Firearms Instructor CC Family & Youth Services Cat II Academy 1999

Hostage Negotiation Instructor, Community College Academy Program, 1996

Firearms Instructor, Clark County School District Police academy 1997

Firearms Instructor Southern Nevada Law Enforcement Academy 2002

Chief Instructor, NV POST L. E. Firearms Instructor Training class 2002

**Instructed and certified in firearms more than 9500 armed Security Officers for
the Nevada State Attorney General's Security Firearms Training Program**

Trained over 5000 concealed firearm permit holders for Nevada, Florida & Utah

Trained and certified 98 Firearms Instructors for The National Rifle Association

Testified as a expert witness in Municipal, County, State, and Federal Courts

MEMBERSHIPS

International Association of Law Enforcement Firearms Instructors
American Society of Law Enforcement Trainers
Nevada Law Enforcement Assistance Association (Director)
Southern Nevada Law Enforcement Trainers Association
Police Marksman Association
Law Enforcement Alliance of America

FIREARMS & USE OF FORCE TRAINING

2/84 Basic Firearms Instructor Course, 24 Hours, National Rifle Association
3/89 Illegal Firearms Identification Course, 8 hours, BATF
1/90 Category II Peace Officer Academy, 200 hours, Nevada POST/NLVFD
3/91 PR-24 Baton Certification, 12 hours, Boulder City PD
5/91 Firearms Instructor/Rangemaster Police Pistol, 40 hours, Nevada POST
5/91 Firearms Instructor/Rangemaster Police Shotgun, 24 hours, Nevada POST
6/91 Firearms Training Counselor Course, 40 hours, National Rifle Association
8/91 Security Firearms Instructor, 40 hours, National Rifle Association
2/92 Police Firearms Instructor, appointment, National Rifle Association
4/92 Court Security Seminar, 24 hours, Public Agency Training Council
11/92 Instructor Development, 40 hours, Las Vegas City Detention/NV POST
1/94 Firearms Training Counselor Seminar, 40 hours, National Rifle Association
10/94 Range Development Conference, 24 hours, National Rifle Association
11/94 Expandable Baton Certification, 8 hours, Boulder Constable's Office
11/94 OC Spray Certification, 8 hours, Boulder Constable's Office
8/95 Glock Armorer's School, 8 hours, Glock Firearms, Inc.
11/95 Police Civil Liability, 24 hours, Thomas/Means Law Enforcement Seminar
6/96 Police Firearms Instructor, 80 hours, Nevada Law Enforcement Academy
12/96 Street Survival Seminar, 24 hours, Calibre Press/LVMPD
12/96 Use of Force, 8 hours, Clark County School District Police Dept.
6/97 Law Enforcement Training Camp, 40 hours, Sigarms, Smith & Wesson, et al.
11/97 IALEFI Regional Firearms Training Conference, 16 hours, Phoenix PD
12/97 Kel-Tec Armorers School, 8 hours, Kel-Tec / Boulder City PD
12/97 Glock Armorers Recertification, 8 hours, Glock / LVMPD
3/98 OC Spray Instructor's Certification, CCDA's Office / 1 Mark Inc.
6/98 Street Survival Seminar, 24 hours, Calibre Press / LVMPD
6/00 Glock Advanced Armorers School, 16 hours, Glock / LVMPD
9/00 Police Civil Liability Workshop, 16.2 hours, AELE
7/02 Police Liability in Nevada, 6 hours, Lorman Education Services

Peace Officer Commissions (current)

Lieutenant, Boulder Township Constable's Office
Bailiff, Clark County Justice Court

Peace Officer Commissions (previous)

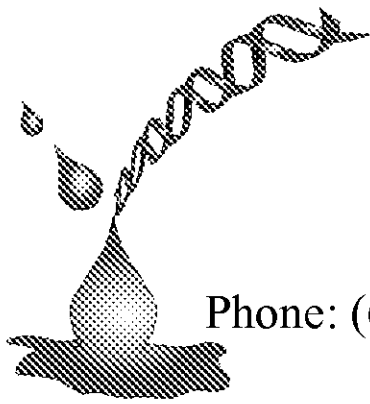
Officer, Nevada Youth Parole Bureau
Bailiff, Boulder City Municipal Court

Robert M. Irwin
P.O. Box 20610
Las Vegas, NV 89112
Born February 2, 1944 Los Angeles, CA

Phone (702) 433-1081
FAX (702) 433-4706
Pager (702) 698-7301
E-mail bob@rIrwin.com

EMPLOYMENT BACKGROUND

- 1962-63** Attended Oregon Technical Institute, Klamath Falls, Oregon.
Gunsmithing curriculum, one and one half years.
- 1962-63** Gunsmith at Joe's Sporting Goods, Klamath Falls, Oregon.
- 1963-70** Managed Motion Picture theaters in Los Angeles area for Continental, Lowes and Pacific Theatres, moved to Flack Theaters as city manager.
- 1971-76** Moved to Las Vegas, employed by The Mint Hotel as a keno writer and moved to the Union Plaza Casino as a keno shift supervisor.
- 1971-72** Part time gunsmith by Accuracy Gun Shop, Las Vegas, NV,
- 1972-77** Design work on various firearm projects, first U. S. patent issued in 1976. Various firearms subsequently built by ATC using this patent
- 1978-82** Founded and operated ATC (Armament Technology Corporation), firearm design and prototype manufacturing. Several firearm designs developed for Arminex Corp and Mossberg Firearms as well as in house research.
- 1982-88** Founded and operated "The Survival Store" in Las Vegas, a firearm retail store and gunsmithing operation. Added an indoor pistol range during expansion in late 1983 and began teaching firearms classes on a regular basis. Sold interest to partners in 1988.
- 1986-** Employed part time as Bailiff for Justice Court and as a Deputy for the Boulder Township Constable's Office.
- 1988-** Founded and operated "The Gun Store" in Las Vegas encompassing retail firearms, gunsmithing, indoor pistol ranges and firearms training.
- 1992** Continuing firearms design work, second U. S. Patent issued. Prototype firearms built for Global Technologies, Ltd. (Australia).
- 1992-** Firearms instructor at various law enforcement academies for LEAA, CCSN, On Scene, Inc. and the C.C. School District Police Dept.
- 2001-** Semi-retired from The Gun Store to pursue private firearms consulting work, but still employed there as instructor for Security Officer and Concealed Weapon Permit, firearms and use of force classes.



Norah Rudin, Ph.D.

650 Castro St., Suite 120-404, Mountain View, CA 94041

Phone: (650) 605-3411 FAX: (510) 291-2823 e-mail: norah@forensicdna.com

CURRICULUM VITAE

6/17/2015

EDUCATION

1981-1987. Ph.D., Molecular biology/Genetics, Department of Biology, Brandeis University, Waltham, Massachusetts.

1975-1979. B.A., Zoology, Pomona College, Claremont, California.

PROFESSIONAL ACTIVITIES

1991-present. Forensic DNA Consultant.

1999-2002. Acting DNA Technical Leader (consultant), San Diego Sheriff's Office DNA Laboratory.

1999. Acting DNA Technical Leader (consultant), San Francisco Police Department Criminalistics Laboratory.

1997-1999. Acting DNA Technical Leader (consultant), Idaho State Department of Law Enforcement DNA Laboratory.

1997-2004. Developer, instructor of online courses with Knowledge Solutions; *Introduction to Forensic DNA, Fundamentals of Forensic Science, Arson and Explosives, Toolmarks and Firearms.*

1995-2001. Instructor, University of California at Berkeley Extension; *Survey of Forensic Sciences, Fundamentals of Forensic DNA, Careers in Forensic Science, Advanced Topics in Forensic Science.*

1991-1993. DNA Technical Leader, California State Department of Justice DNA Laboratory.

1987-1990. Post-doctoral fellow, Lawrence Berkeley Laboratory, Berkeley, California.

PROFESSIONAL ORGANIZATIONS

California Association of Criminalists (CAC)

American Academy of Forensic Science (AAFS), Fellow

American Board of Criminalistics (D-ABC), Diplomate

SOFTWARE

Principal in SCIEG, a non-profit company, housing *Lab Retriever*, a free, open-source software tool, for calculating Likelihood ratios with a probability of drop-out, and training and education in probabilistic genotyping.

AWARDS, HONORS

2014-2015. National Institute of Justice Grant 2013-DN-BX-K029 2013-DN-BX-K029.

Advancing probabilistic approaches to interpreting low-template DNA profiles and mixtures: Developing theory, implementing practice. (Co-PIs Kirk Lohmueller and Keith Inman)

2013-. The Constitution Project; Committee on DNA Collection; Co-chair
2009. Service Award, California Association of Criminalists
2007. Reviewer, United Nations Office of Drug and Crime Manual
2007-2011. Commonwealth of Virginia Scientific Advisory Committee
1983-1985. National Institute of Health genetics training grant
1981-1985. Goldwyn Fellowship

BOOKS AND CHAPTERS

Inman, K. and Rudin N. *Sequential Unmasking: Minimizing Observer Effects in Forensic Science.*, Encyclopedia of Forensic Sciences 2nd Ed. Eds. Siegel, J.A., Saukko, P.J., Waltham:Academic Press, 2013.

Rudin N. and Inman, K. *An Introduction to Forensic DNA Analysis*, CRC Press Inc., Boca Raton, FL. 1997, 2001.

Inman, K. and Rudin, N. *Principles and Practice of Criminalistics: The Profession of Forensic Science*, CRC Press Inc., Boca Raton, FL, 2000.

Rudin N. and Inman, K. Editors, *Protocols in Forensic Science* series, CRC Press, incl. *Scientific Protocols for Forensic Examination of Clothing*, Jane Taupin and Chesterene Cwiklik; *Scientific Protocols for Fire Investigation*, John Lentini; *Ethics in Forensic Science: Professional Standards for the Practice of Criminalistics*, Peter Barnett.

Rudin, N. *Dictionary of Modern Biology*. Barron's Educational, Hauppauge, NY. 1997.

Inman, K., and Rudin, N. Scientific Basis of DNA Typing and Overview of Forensic DNA Typing in *Forensic Evidence*, California District Attorneys Association 1999.

Rudin, N. and Inman, K. DNA Based Identification in: *Biometrics: Personal Identification in Networked Society*, Kluwer Academic Publishers, 1999.

Inman, K. and Rudin N., *DNA Demystified, Solving Crimes in the 90's; An Introduction to Forensic DNA Typing*, Self-published, 1994.

ACADEMIC PUBLICATIONS

Inman, K., et al. Lab Retriever: a software tool for calculating likelihood ratios incorporating a probability of drop-out for forensic DNA profiles. Submitted.

Lohmueller, K.E., Rudin, N., Inman, K. Analysis of allelic drop-out using the Identifiler® and PowerPlex® 16 forensic STR typing systems. 2014. *Forensic Science International: Genetics*. **12**, 1-11.

Lohmueller, K.E., Rudin, N., Calculating the Weight of Evidence in Low-Template Forensic DNA Casework. *J. Forensic Sci*, **58** (S1) 2013. P.S243-S249

Inman, K. and Rudin, N. The Origin of Evidence. *Forensic Science International*. 2002. **126** p. 11-16.

Brettell, T.A., Rudin, N., Saferstein, R. 2003. Forensic Science. *Anal. Chem.* **75**, p. 2877-2890.

Brettell, T.A., Inman, K., Rudin, N., Saferstein, R. 2001. Forensic Science. *Anal. Chem.* **73**, p. 2735-2744.

Brettell, T.A., Inman, K., Rudin, N., Saferstein, R. 1999. Forensic Science. *Anal. Chem.* **71** p. 235R-255R.

Rudin, N. And Inman, K. 1997. Exonerated by Science. *Jurimetrics J.* **37**, p. 319-323.

- Rudin, N. 1993. Beyond RFLP. *TIE-LINE*. Vol. 17, No. 1 p. 53-54.
- Myers, S.P., and N. Rudin. 1993. Evaluation of Centricon 100 Filtration Units on the *HaeIII* Digestion Efficiency of DNA Extracted from Bloodstains. *TIE-LINE*. Vol. 17, No. 1 p. 55.
- Dora, E.G., Rudin, N. Martell, J.R., Esposito, M.S., Ramirez, R.M. 1999. RPD3 (REC3) mutations affect mitotic recombination in *Saccharomyces cerevisiae*. *Current Genetics* **35**: 68-76.
- Fishman-Lobell, J., Rudin, N. and J. E. Haber. 1992. Two alternative pathways of double-strand break repair that are kinetically separable and independently modulated. *Mol. Cell Biol.* **12**:3 1292-1303.
- Rudin, N, E. Sugarman and J. E. Haber. 1989. Genetic and physical analysis of double-strand break repair and recombination in *Saccharomyces cerevisiae*. *Genetics* **122**: 519-534.
- Rudin, N., and J.E. Haber. 1988. Efficient repair of *HO*-induced chromosomal breaks in *Saccharomyces cerevisiae* by recombination between flanking homologous sequences. *Mol. Cell Biol.* **8**:9 3918-3928.
- Haber, J.E., R. Borts, B. Connolly, M. Lichten, N. Rudin and C. I. White. 1988. Physical monitoring of meiotic and mitotic recombination in yeast. In *Nucleic Acid Research and Molecular Biology*. Vol. 35 p. 212-262.
- Rudin, N., Cis-acting regions involved in mating type interconversion in the yeast *Saccharomyces cerevisiae*. *Ph.D. Thesis*, Brandeis University, 1988.

ABSTRACTS AND PRESENTATIONS

- Marsden, C., Rudin, N., Inman, K., Lohmueller, K., 2015. Defining the limits of forensic DNA profile interpretation: An assessment of the information content inherent in complex mixtures., NIST International Symposium on Forensic Science Error Management, Washington D.C.
- Rudin, N., Conviction and exoneration in Cook Co., The story of a questionable Y-STR interpretation, CAC meeting Rohnert Part, 2014.
- Marsden, C., Rudin, N., Inman, K., Lohmueller, K., 2015. Defining the limits of forensic DNA profile interpretation: An assessment of the information content inherent in complex mixtures., CAC, Ventura, CA.
- Rudin, N., 2015. Forensic DNA Statistics: DON'T PANIC!. NACDL, Las Vegas, NV.
- Rudin, N., 2015. Another questionable Y-STR profile interpretation: the story continues CAC, Ventura, CA.
- Marsden, C., Rudin, N., Inman, K., Lohmueller, K., 2015. Defining the limits of forensic DNA profile interpretation: An assessment of the information content inherent in complex mixtures., AAFS, Orlando, FL.
- Rudin, N., Conviction and exoneration in Cook Co., The story of a questionable Y-STR interpretation, CAC meeting Rohnert Part, 2014.
- Rudin, N., Burley, L. Turns out, you CAN do PCR in a barn: Exceeding the limits of science – a case report, CAC meeting Rohnert Part, 2014.
- Marsden, C., Rudin, N., Inman, K., Lohmueller, K. Defining the limits of forensic DNA profile interpretation: An assessment of the information content inherent in complex mixtures. CAC meeting Rohnert Part, 2014.
- Inman, K., Rudin N., Lohmueller K., 2014. *Lab Retriever*, Probabilistic Software Workshop, Promega International Symposium for Human Identity, Phoenix, AZ.

- Inman, K., Rudin N., , Lohmueller K., 2014, Probabilistic Genotyping and *Lab Retriever*, CAC study group, Richmond CA, Aug 26.
- Inman, K., Rudin N., , Lohmueller K., 2014, Probabilistic Genotyping and *Lab Retriever*, CAC meeting, Pasadena CA, Aug 26.
- Inman, K., Rudin N., Lohmueller K., 2013. Calculating Likelihood Ratios Incorporating a Probability of Drop-out using the free program *Lab Retriever*. ½ day Workshop, Promega International Symposium for Human Identity, Atlanta, GA.
- Lohmueller K., Rudin N., Inman, K., 2013. Analysis Of Allelic Drop-Out Using The Identifiler ® And PowerPlex ® Forensic STR Typing Systems II. Evaluation Of Estimated Drop-Out Probabilities, Presentation, AAFS, Washington D.C.
- Inman, K., Lohmueller K., Rudin N., 2013. Analysis of allelic drop-out using the Identifiler ® and PowerPlex ® 16 forensic STR typing systems I. Estimation of drop-out probabilities, Presentation, AAFS, Washington D.C.
- Inman, K., Rudin N., Lohmueller K., 2013. Calculating Likelihood Ratios Incorporating a Probability of Drop-out: Introducing *Lab Retriever*, a free and user-friendly software program. Workshop, AAFS, Washington D.C.
- Rudin, N., Inman, K., Circumstantial Evidence that Supports an Inference for the Defense: Getting the most out of your DNA profile, 2013. NACDL conference, Washington D.C.
- Inman, K., Rudin N., Lohmueller K., 2012. Calculating Likelihood Ratios Incorporating a Probability of Drop-out: A New Web-based Tool, CAC meeting, Bakersfield, CA.
- Lohmueller K., Rudin N., Inman, K., 2011. Approaches to Measure the Strength of DNA Evidence Exhibiting Possible Stochastic Effects. CAC meeting, Sacramento, CA.
- Inman, K., Rudin N., Lohmueller K. 2011. A review of detection thresholds and their application to low-template DNA samples. CAC meeting, Sacramento, CA.
- Lohmueller K., Rudin N., Inman, K. 2011. Performance of statistical approaches to measure the strength of DNA evidence exhibiting possible stochastic effects. ICFIS meeting, Seattle, WA.
- Lohmueller, K., Rudin, N., 2011. The application of likelihood ratios using allelic drop-out to case samples, ICFIS, Seattle, WA.
- Lohmueller K., Rudin N., Inman, K. 2011. Performance of Statistical Approaches to Measure the Strength of DNA Evidence Exhibiting Possible Stochastic Effects, AAFS meeting, Chicago, IL.
- Lohmueller K., Rudin N., Inman, K. Analysis of allelic drop-out using the Identifiler STR multiplex. Promega Human Identity Symposium, San Antonio, TX.
- Rudin, N. and Inman, K., Workshop: Introduction to perception, observer effects, bias, and expectation in forensic science, AAFS, Seattle, WA.
- Rudin, N., 2010, Defining the science in forensic science, part of a symposium “Just science, how scientists can reform the criminal justice system”
- Lohmueller K., Rudin N., Inman, K. 2010, Tools for estimating the weight of evidence for difficult profiles. CAC meeting, Oakland, CA.
- Rudin, N., and Inman, K., 2008. The Role of Forensic Science in the Innocence Movement, CAC meeting, Sacramento, CA.
- Rudin, N., 2008. The Consequence of Keg Stands. CAC meeting, Sacramento, CA.

- Rudin, N., 2005. Y-STRs Come of Age: A disputed interpretation. CAC meeting, Oakland, CA.
- Rudin, N., 2003. It Takes a Criminalist to see the Forest for the Trees. CAC meeting, San Diego, CA.
- Rudin, N. 2002. Houston, We Have a Problem. CAC meeting, Huntington Beach, CA.
- Rudin, N. 2002. The Database Hit that Missed the Mark. CAC meeting, San Francisco, CA.
- Rudin, N. 2002. Biological Evidence as Transfer Evidence. CAC meeting, San Francisco, CA.
- Rudin, N. and Inman, K. 1999. The Origin of Evidence. CAC meeting, Oakland, CA.
- Rudin, N. 1999. Case Review. CAC meeting, Oakland, CA.
- Rudin, N. 1998. DNA Case Review. CAC meeting, Monterey, CA.
- Rudin, N. and Inman K. 1993. Development of Mini-satellite Variant Repeat (MVR) Analysis for Forensic Samples. Promega Human Identity Symposium, Scottsdale, AZ.
- Barcellos, L., and Rudin, N. 1993. The Case of the Laundered Results. CAC meeting, Berkeley, CA.
- Rudin, N., and Inman, K. 1993. Development of Mini-satellite Variant Repeat for Forensic Analysis. CAC meeting, Berkeley, CA.
- Rudin, N., 1993. Evaluation of Methods involving PCR Amplification of Additional DNA Sequence and Length Polymorphisms for Forensic Typing. AAFS meeting, Boston, MA
- Rudin, N.R., Konzak, K., Gima, L., Brewer, L., Buoncristiani, M., Horne, M., Inman, K., Ma, M., Pierson, M., Sims, G., Bashinski, J. 1992. A Systematic Study of the Effect of Various Environmental Abuses on RFLP and PCR Analysis of Forensic Samples. Promega Human Identity Symposium, Scottsdale, AZ.
- Rudin, N.R., Konzak, K., Gima, L., Brewer, L., Buoncristiani, M., Horne, M., Inman, K., Ma, M., Pierson, M., Sims, G., Bashinski, J. 1992. A Systematic Study of the Effect of Various Environmental Abuses on RFLP and PCR Analysis of Forensic Samples. AAFS meeting, New Orleans, LA
- Rudin, N.R., Konzak, K., Gima, L., Brewer, L., Buoncristiani, M., Horne, M., Inman, K., Ma, M., Pierson, M., Sims, G., Bashinski, J. 1991. A Systematic Study of the Effect of Various Environmental Abuses on RFLP and PCR Analysis of Forensic Samples. CAC meeting, Ontario, CA.
- Rudin, N., H.W. Moise, J.T. Brown and M.S. Esposito. 1990. The *REC3* gene of *S. cerevisiae*: molecular cloning, disruption and DNA sequencing. Yeast: (Spec Iss.)
- Moise, H.W., Rudin, N. J.T. Brown and M.S. Esposito. 1990. The *REC1* DNA strand-transfer protein of *Saccharomyces cerevisiae* is required for recombination, X-ray damage repair, mating-type switching and meiosis. In abstracts of papers presented at the 1990 meeting on yeast genetics and molecular biology, The Hague, The Netherlands.
- Fishman-Lobell, J., N. Rudin and J. Haber. 1990. Increasing the distance between direct repeats slows the kinetics of double-strand break induced recombination. In abstracts of papers presented at the 1990 meeting on yeast genetics and molecular biology, The Hague, The Netherlands.
- Rudin, N., H. Moise, J.T., Brown and M.S. Esposito. 1989. The *REC1*, *REC3* AND *REC4* genes of *Saccharomyces cerevisiae*; *in vivo* and *in vitro* phenotypes of conditional

- hyporecombination mutants. Abstracts of FASEB conference on genetic recombination and genome rearrangements, July 9-14, 1989, p.48.
- Brown, J. T., N. Rudin and M.S. Esposito. 1989. The *REC1*, *REC3* AND *REC4* genes of *Saccharomyces cerevisiae*. AAAS annual meeting, San Francisco, CA. Abs. 428.
- Esposito, M.S., N. Rudin and G.T. Thomson. 1989. Novel YAC vectors and *Saccharomyces cerevisiae* recipients for study of human DNA recombination and ordering of YAC human genomic libraries. Abstracts of papers presented at the 1989 Cold Spring Harbor meeting on genome mapping and sequencing, April 26-30, 1989, p.74.
- Esposito, M.S., J.T. Brown, and N. Rudin. 1988. The *REC1* gene of *Saccharomyces cerevisiae* is required for spontaneous mitotic gene conversion, intragenic recombination, intergenic recombination, genomic stability, and sporulation *In vivo* and *in vitro* properties of the temperature sensitive mutation *REC1-1*. *Yeast* **4**: s308 (Spec. Iss.).
- Rudin, N, E. Sugarman and J.E. Haber. 1988. *HO*-endonuclease-induced recombination in yeast. *Yeast* **4**: s309 (Spec. Iss.).
- Esposito, M.S., J.T. Brown, and N. Rudin. 1988. The *REC1* gene of *S. cerevisiae* is required for spontaneous mitotic gene conversion, intra- and intergenic recombination, genomic stability, repair of X-ray damage and sporulation. In abstracts of papers presented at the 1988 meeting on Intermediates in Genetic Recombination. Cold Spring Harbor Laboratory, Cold Spring Harbor, New York. p.194.
- Rudin, N, E. Sugarman and J.E. Haber. 1988. *HO*-endonuclease-induced recombination in yeast. In abstracts of papers presented at the 1988 meeting on Intermediates in Genetic Recombination. Cold Spring Harbor Laboratory, Cold Spring Harbor, New York. p.193.
- Rudin, N., E. Sugarman, and J.E. Haber. *HO*-induced recombination events in a *LACZ* duplication system. In Abstracts of papers presented at the 1987 meeting on yeast genetics and molecular biology, San Francisco California. p. 398.
- Rudin, N., S. Stewart, and J.E. Haber. Cis-acting sequences in mating-type switching. In abstracts of papers presented at the 1987 meeting on Yeast genetics and molecular biology, San Francisco, California. p. 176.
- Rudin, N., S. Stewart and J. E. Haber. 1986. Homologous and non-homologous sequences involved in mating type switching. *Yeast* **2**: s330 (suppl).
- Rudin, N. and J. E. Haber. 1985. Effect of Interchromosomal Mating-type Switching in *S. cerevisiae*. *Genetics* **110**: s60 (suppl).
- Rudin, N., B. Connolly, M. Kluznik and J. E. Haber. 1985. Effects of interchromosomal mating type switching in *S. cerevisiae*. In abstracts of papers presented at the 1985 meeting on Molecular Biology of Yeast. Cold Spring Harbor Laboratory, Cold Spring Harbor, New York. p. 122.

OPINION AND EDITORIAL ARTICLES

- Rudin, N., and Inman K., Causes of wrongful conviction (Don't believe everything you think), *CACNews*, 1st Quarter, 2014
- Rudin, N., and Inman K., What science could (and should) do for justice, *CACNews*, 4th Quarter, 2013
- Rudin, N., and Inman K., Can we talk?, *CACNews*, 3rd Quarter, 2013
- Rudin, N., and Inman K., We're probably thinking ... About probabilistic approaches to weighting evidence, *CACNews*, 2nd Quarter, 2013

- Rudin, N., and Inman K., Journey to the Red Planet: Curiosity meets Forensic Science *CACNews*, 1st Quarter, 2013
- Rudin, N., and Inman K., The Proceedings of Dinner: Bridging the Generations *CACNews*, 4th Quarter, 2012
- Rudin, N., and Inman K., Lake Errbegon "... where the evidence is unambiguous, the analyses robust, and all the criminalists are above average. " *CACNews*, 3rd Quarter, 2012
- Rudin, N., and Inman K., A Decade of the Proceedings of Lunch – Thinking Allowed, and thinking aloud *CACNews*, 2nd Quarter, 2012
- Rudin, N., and Inman K., The discomfort of thought – a discussion with John Butler *CACNews*, 1st Quarter, 2012
- Rudin, N., and Inman K., To err is human and inevitable, *CACNews*, 4th Quarter, 2011
- Rudin, N., and Inman K., Why politics is worse for science than the law, *CACNews*, 2nd Quarter, 2011
- Rudin, N., and Inman K., That's not what we meant: Sequential Unmasking revisited, *CACNews*, 1st Quarter, 2011
- Rudin, N., and Inman K., How low can you go? The experience fallacy: Quothe the raven "In my experience," never more! *CACNews*, 4th Quarter, 2010
- Rudin, N., and Inman K., How low can you go? Should you just say no? *CACNews*, 3rd Quarter, 2010
- Rudin, N., and Inman K., 'tis the Season: The NAS "one year later" Commemorative edition, 2nd Quarter, 2010
- Rudin, N., and Inman K., Dining with a Founder: A conversation with Jay Siegel, *CACNews*, 1st Quarter, 2010
- Thompson., *et al.*, Commentary on: Thornton JI., Letter to the editor – a rejection of "working blind" as a cure for contextual bias. *J Forensic Sci*, 55(6), 2011
- Krane, D., *et al.*, Commentary on: Budowle B., *et al.* A perspective on errors, bias, and interpretation in the forensic sciences and direction for continuing advancement. *J Forensic Sci*, 55(1), 2010.
- Krane, D., *et al.*, Time for DNA Disclosure, *Science*, 326, 2009.
- Rudin, N., and Inman K., Dining with a Founder, A conversation with Jay Siegel, *CACNews*, 1st Quarter, 2010.
- Rudin, N., and Inman K., How much should the analyst know and when should she know it, *CACNews*, 4th Quarter, 2009.
- Rudin, N., and Inman K., Challenging the canon, *CACNews*, 3rd Quarter, 2009
- Rudin, N., and Inman K., Stakes, steaks and stakeholders, *CACNews*, 2nd Quarter, 2009
- Krane, D., *et al.*, Authors' response to Ostrum B., Commentary on: sequential unmasking: a means of minimizing observer effects in forensic DNA interpretation. *J Forensic Sci* 54(6), 2009.
- Krane, D., *et al.*, Authors' response to Wells, J.D., Commentary on: sequential unmasking: a means of minimizing observer effects in forensic DNA interpretation. *J Forensic Sci* 54(2), 2009.
- Murphy, E., and Thompson, W.C., *et al.*, Brief of 20 Scholars of Forensic Evidence as *Amici Curiae* Supporting Respondents, *On Writ of Certiorari to the United States Court of*

Appeals for the Ninth Circuit, McDaniel v. Brown, in the Supreme Court of the United States, July 24, 2009.

Krane, D., *et al.*, Sequential Unmasking, A Means of Minimizing Observer Effects in Forensic DNA Interpretation, *J. Forensic Sci*, 53(4), 2008.

Rudin, N., and Inman K., Administer this!, *CACNews*, 1st Quarter, 2009.

Rudin, N., and Inman K., Who speaks for forensic science, *CACNews*, 4th Quarter, 2008.

Rudin, N., and Inman K., The forensic disadvantage suffered by forensic scientists, *CACNews*, 3rd Quarter, 2008.

Rudin N., and Inman K., Genetic Witness: Through the Lens of a Social Scientist, *CACNews*, 2nd Quarter, 2008.

Rudin N., and Inman K., Keith and Norah's Top 10: Areas in which forensic science could improve, *CACNews*, 1st Quarter, 2008.

Rudin N., and Inman K., The Flodbit Problem: What are we Doing?, *CACNews*, 4th Quarter, 2007.

Rudin N., and Inman K., The Urban Myths and Conventional Wisdom of Transfer: DNA as Trace Evidence, *CACNews*, 3rd Quarter, 2007.

Rudin N., and Inman K., Know the Code, *CACNews*, 2nd Quarter, 2007.

Rudin N., and Inman K., A frosty debate: The chilling effect of a cold hit in a DNA database, *CACNews*, 1st Quarter, 2007.

Rudin N., and Inman K., Seeing DeForest AND the Trees, *CACNews*, 4th Quarter 2006.

Rudin N., and Inman K., The Pen is Mightier than the Pipette, *CACNews*, 2nd Quarter, 2006.

Rudin N., and Inman, K., The Shifty Paradigm, Part II: Errors and Lies and Fraud, Oh My! *CACNews* 1st Quarter 2006.

Rudin N., and Inman, K., The Shifty Paradigm, Part I: Who Gets to Define the Practice of Forensic Science? *CACNews* 4th Quarter 2005.

Rudin N., and Inman, K., A Hitchhiker's Guide to Accreditation, *CACNews* 3rd Quarter 2005.

Rudin N., and Inman, K., Fingerprints in Print, The Sequel: The continuing saga of a latent print misidentification in the Madrid bombing case, *CACNews* 2nd Quarter 2005.

Rudin N., and Inman, K., Fingerprints in Print: The apparent misidentification of a latent print in the Madrid bombing case, *CACNews* 4th Quarter 2004.

Rudin N., and Inman, K., Myth or Aphorism: Sayings by which we live (The Dogma of forensic science), *CACNews* 3rd Quarter 2004.

Rudin N., and Inman, K., The Culture of Bias - Part II, *CACNews* 2nd Quarter 2004.

Rudin N., and Inman, K., The Culture of Bias - Part 1, *CACNews* 1st Quarter 2004.

Rudin N. and Inman, K. Which Came First, the Blood or the Print? The Rest of the Story. *CACNews* 4th Quarter 2003.

Rudin N. and Inman, K. Which Came First, the Blood or the Print? The Role of Experimentation in Forensic Casework *CACNews* 3rd Quarter, 2003.

Rudin N. and Inman, K. Experts on experts. What is the role of the scientist in assisting an attorney with an opposing expert? *CACNews* 2nd Quarter, 2003.

Rudin N. and Inman, K. Articulating Hypotheses – the null hypothesis and beyond. *CACNews* 1st Quarter, 2003.

Rudin N. and Inman, K. Biological Evidence as Trace Evidence: The Forensic Science of DNA Typing, *CACNews*, 4th Quarter, 2002.

Rudin N. and Inman, K. The Transfer of Evidence and Back Again. *CACNews*, 3rd Quarter, 2002.

Rudin N. and Inman, K. How Far Should an Analyst Go? *CACNews*, 2nd Quarter, 2002.

Rudin N. and Inman, K. Specialist vs. Generalist. *CACNews*, 1st Quarter, 2002.

Rudin N. and Inman, K. Divisible Matter. *CACNews*, 4th Quarter, 2001.

Inman, K. and Rudin N. How much should the analyst know? *CAC News*, Fall, 1997

Rudin, N., DNA Untwisted, *San Francisco Daily Journal*, April, 1995.

TRAINING PROVIDED

1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, San Francisco forensic DNA laboratory, Nov. 6, 2014

1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, SWAFS, Sept. 25, 2014

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Jefferson Co. Regional Crime laboratory, Sept. 9-11, 2014

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Oregon State Police forensic DNA laboratory, July 22-24, 2014

2-day training on Advanced Topics in Forensic DNA Profiling, Cook County Public Defender Office, June 26-27, 2014

1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, MAFS, June 9, 2014

1.5-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, NEAFS, May 21-22, 2014

½ day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, MAAFS, May 20, 2014

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Denver PD forensic DNA laboratory, July 15-17, 2013.

SELECTED INVITED SPEAKING ENGAGEMENTS

2014. Invited Speaker, Forensic DNA 101; Know the Code, Virginia Indigent Defender Conference, Sept. 16-17, 2014, Newport News, VA.

2010. Invited Speaker, The Science and Fiction of Forensic Science, *Pomona College Alumni Association*, Palo Alto, CA.

2009. Invited Speaker, What's an Allele Between Friends and other Y-STR topics, *DePaul University Law School Conference on Science and the Law*, Chicago, IL.

2008. Invited Speaker, Sequential Unmasking, *DePaul University Law School Conference on Science and the Law*, Chicago, IL.

2007. Invited Speaker, Debunking CSI, *University of Santa Clara Law School*, Santa Clara, CA, 2007

2007. Invited Speaker, DNA Transfer, *DNA boot camp, organized by the Minnesota Public Defender Office*, Brainerd, MN.
2007. Invited Speaker, Forensic DNA: The Science and Fiction of Forensic Science, *American Chemical Society*, Berkeley, CA.
2007. Invited Speaker, Literature Review of Transfer, *DePaul University Law School Conference on Science and the Law*, Chicago, IL.
2006. Invited Speaker. Mitochondrial DNA in GA v. Vaughn: a Case Example. *The Science of DNA Profiling*, Dayton, OH.
2006. Invited Speaker, The Science of Individualization, or is it?, *European Academy of Forensic Sciences*, Helsinki, Finland.
2006. Invited Speaker, The Threshold Effect, *DePaul University Law School Conference on Science and the Law*, Chicago, IL.
2005. Invited Speaker, How to work with a DNA expert, *California Public Defender's Association*, Monterey, CA.
2005. Faculty, DNA Cross Examination College, national trial skills conference organized by the *Public Defender Service of the District of Columbia*, Washington, D.C.
2004. Invited Speaker, European Circuit Conference, USAF, Garmish, Germany.
2002. Invited Speaker, Death Penalty Defense Seminar, *California Association for Criminal Justice/California Public Defender's Association*, Monterey, CA.
2001. Invited Speaker, Forensic DNA and the Law conference, *The Cyril H. Wecht Institute for Forensic Science and Law*, Duquesne University, Pittsburgh, PA.
2001. Invited Lecturer, *Institut de police scientifique et de criminologie*, University of Lausanne, Switzerland.
1998. Invited Speaker, Introduction to Forensic DNA Analysis; Technical issues in forensic DNA casework. *VIII Simposio Internacional de Criminalistica*, Cartagena, Colombia.

SELECTED CONTINUING EDUCATION AND TRAINING

- Promega PowerPlex Y23 seminar, Walnut Creek, CA, 2012.
- Future Trends in Forensic DNA Technology, AB HID University, Berkeley, CA, 2009.
- Hair Microscopy for the DNA Analyst Workshop, Skip Palenik, San Jose, CA, 2009.
- Population Statistics and Forensic DNA Analysis, George Carmody, San Diego, CA, 2001.
- Statistics and Population Genetics for Forensic DNA Analysis, NCSU, NC, 1999.
- STR Analysis and Typing, California Criminalistics Institute, Sacramento, CA, 1999.
- Automated Sequencer Training course, Applied Biosystems, Foster City, CA, 1992.
- Advanced Aspects of Forensic DNA Analysis School, FBI Academy, Quantico, VA, 1992.
- PCR-DQ α Training Class, Cetus Corporation, Berkeley, CA, 1991.


CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES LEXIS
Chief Deputy District Attorney
Nevada Bar #11064
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-

KENYA SPLOND, aka,
Kenny Splond, #1138461

Defendant.

CASE NO: C-14-296374-1
DEPT NO: VIII

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

TO: KENYA SPLOND, aka, Kenny Splond, Defendant; and

TO: FRANK P. KOCKA, 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:

*Indicates Additional Witnesses

NAME

ADDRESS

*AYALA, J.

LVMPD #7906

*BAUTISTA, ARACELI

STAR MART, 5001 N. Rainbow, LVN 89130

BRUMAGHIN, A.

LVMPD P#13756

*BRUNO, B.

LVMPD P#7912

CARTER, J.

LVMPD P#14302

*CASPER, P.

LVMPD P#6549

1	COLEMAN, R.	LVMPD P#13843
2	*COLON, M.	LVMPD P#7585
3	CUSTODIAN OF RECORDS	CCDC
4	CUSTODIAN OF RECORDS	LVMPD - DISPATCH
5	CUSTODIAN OF RECORDS	LVMPD – RECORDS
6	CUSTODIAN OF RECORDS	NEVADA DMV
7	CUSTODIAN OR RECORDS	STAR MART, 5001 N. Rainbow, LVN 89130
8	*DUNN, C.	LVMPD #8253
9	*ECHEVERRIA, SAMUEL	3651 N. Rancho Rd., #251, LV NV 89130
10	FAIRWEATHER, M.	LVMPD P# 8390
11	*FLETCHER, S.	LVMPD P# 5221
12	FORSON, C.	LVMPD P#14082
13	FRANCIS, D.	LVMPD P# 8434
14	GARCIA, B.	LVMPD P#13822
15	*GOULDTHORPE, H.	LVMPD P# 8646
16	HAAS, F.	LVMPD P#7420
17	HABERMAN, JEFFREY	1881 W. Alexander Rd, #1146, NLVN 89032
18	HOFFMAN, N.	LVMPD P#13516
19	*HOLZER, KIRSTY	6237 Blushing Willow St., NLV NV 89081
20	*JIMENEZ, GRACIELA	1864 Bledsoe, LV NV 89130
21	*KAVON, SCOTT	LVMPD P#4131
22	KIRWIN, B.	LVMPD P#13890
23	*KOWALSKI, B.	LVMPD P#8550
24	LANDERS, J.	LVMPD P#8073
25	*MARQUEZ, A.	LVMPD P#6250
26	MCCRAY, D.	LVMPD P# 8126
27	*PAZOS, E.	LVMPD P#6817
28	RALYEA, C.	LVMPD P#13357

1 ROWBERRY, J.

LVMPD P#13894

2 SLATHAR, BRITTANY

C/O District Attorney's Office

3 *SPOOR, M.

LVMPD P# 3856

4 *WILLIAMS, ALISA

3837 Alpine Track Av., NLV NV 89130

5 These witnesses are in addition to those witnesses endorsed on the Information and any
6 other witness for which a separate Notice has been filed.

7 STEVEN B. WOLFSON
8 DISTRICT ATTORNEY
Nevada Bar #001565

9
10 BY /s/ Agnes Lexis
AGNES LEXIS
11 Chief Deputy District Attorney
Nevada Bar #11064

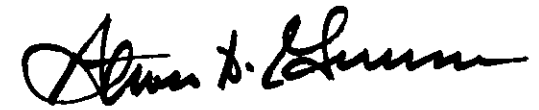
12
13
14
15
16 CERTIFICATE OF FACSIMILE TRANSMISSION

17 I hereby certify that service of Second Supplemental Notice of Witnesses, was made
18 this 12th day of August, 2014, by facsimile transmission to:

19 FRANK P. KOCKA, ESQ.
20 (702) 383-6106

21 /s/ Stephanie Johnson
Employee of the District Attorney's Office

22
23
24
25
26
27
28 14F01777A/saj/L-1



CLERK OF THE COURT

1 NWEW
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 AGNES M. LEXIS
Chief Deputy District Attorney
4 Nevada Bar #011064
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

CASE NO: C-14-296374-1

12 KENYA SPLOND, aka
Kenny Splond,
13 #1138461

DEPT NO: VIII

14 Defendant.

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

17 TO: KENYA SPLOND, aka Kenny Splond, Defendant; and

18 TO: FRANK P. KOCKA, 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 **SHAWN FLETCHER, P#5221, or Designee** – A Crime Scene Analyst with the Las
22 Vegas Metropolitan Police Department. He is an expert in the area of crime scene
23 investigation and the identification, documentation, collection and preservation of evidence
24 and will give opinions related thereto.

25 **HEATHER GOULDTHORPE, P#8646, or Designee** – A Latent Print Examiner with
26 the Las Vegas Metropolitan Police Department. She is an expert in the area of fingerprints
27 and fingerprint examination and comparison and will give scientific opinions related thereto.
28 She will testify regarding the print comparisons she performed in this case.

1 **MONTE SPOOR, P#3856, or Designee** - A Crime Scene Analyst with the Las Vegas
2 Metropolitan Police Department. He is an expert in the area of crime scene investigation and
3 the identification, documentation, collection and preservation of evidence and will give
4 opinions related thereto.


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

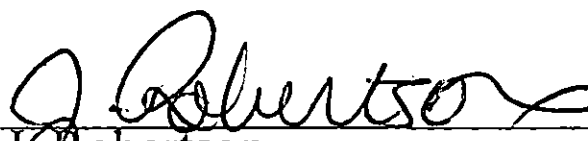
15 
16 AGNES M. LEXIS
17 Chief Deputy District Attorney
18 Nevada Bar #011064

19 CERTIFICATE OF FACSIMILE TRANSMISSION

20 I hereby certify that service of State's Notice of Expert Witnesses, was made this 25th
21 day of August, 2015, by facsimile transmission to:

22 FRANK P. KOCKA, ESQ.
23 FAX #702-383-6106

24 BY:

25 
26 J. Robertson
27 Secretary for the District Attorney's Office

28 14F01777A/jr/L-1

Curriculum Vitae

Las Vegas Criminalistics Bureau
Statement of Qualifications

Name: Shawn Fletcher

P# 5221

Date: 8-28-03

CURRENT CLASSIFICATION		
	Classification	Minimum Qualifications
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
Institution	Major	Degree/Date
Central Michigan University	Health & Fitness	Degree 1990
CCSN	Criminal Justice/Law Enforcement	Degree 1995

TESTIMONY		
Yes	No	

EMPLOYMENT HISTORY		
Employer	Title	Date
LVMPD	Sr. Crime Scene Analyst	7-29-96

FLETCHER, SHAWN
SENIOR CSA

P# 5221
SS#: 381-94-9092

CRIMINALISTICS BUREAU - FIELD
DOH: 07-29-96

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
1990	Health Fitness & Health Promotion in Hospital & Corporate Settings Minor in Nutrition	Central Michigan University	Degree
1995	Criminal Justice/ Law Enforcement	CCSN	Degree
01-24-96	Crime Scene Processing for Resident Officers	LVMPD	7
02-28-96	NCIC - Phase III - Full Access	LVMPD	7
07-29 to 08-16-96	Crime Scene Analyst Academy	LVMPD	105
08-16-96	CAPSTUN for Civilians	LVMPD	1.5
09-96	FATS Training	LVMPD	?
09-18, 19 & 09-25-96	Civilian Firearm/Use of Force	LVMPD	21
09-20-96	NCIC - Phase II - Limited Access	LVMPD	4
08-17 to 11-01-96	Field Training	LVMPD	440
09-18 to 09-25-96	Civilian Firearm/Use of Force	LVMPD	21
09-27-96	DI Weaponless Defense/Handcuff	LVMPD	3
09-27-96	Combat Shooting Simulator/FATS	LVMPD	1
09-30-96	Duty Weapon Qualification	LVMPD	2
10-24-96	Driver Training - Level 2	LVMPD	8
11-07-96	Ultraviolet (UV) Light Orientation and Safety Presentation	LVMPD	1
12-13-96	International Association For Identification - Member	# 15197	
01-21-97	Forensic Science	American Institute of Applied Science (AIAS)	260
01-28 to 01-30-97	Top Gun Training	LVMPD	21
02-27-97	Moot Court - Video	LVMPD	2
03-26-97	Introduction to Computers	LVMPD	4
03-30-97	Duty Weapon Qualification	LVMPD	2
01-28 to 01-30-97	Top Gun Training	LVMPD	21
??	Crime Scene Processing for Resident Officers		7
02-28-??	NCIC Phase III	LVMPD	8
06-13-97	NCIC - Phase I - Video	LVMPD	20 Min

06-18-97	Critical Procedures Test	LVMPD	
07-02-97	Duty Weapon Qualification	LVMPD	2
09-08 to 09-12-97	Crime Scene Technology Workshop 2	Northwestern University, Traffic Institute	40
09-30-97	Duty Weapon Qualification	LVMPD	2
10-06 to 10-10-97	Investigative Photography I	Northwestern University, Traffic Institute	40
12-31-97	Duty Weapon Qualification	LVMPD	2
02-23-98	Domestic Violence	LVMPD	1
03-28-98	Critical Procedures Test	LVMPD	2
03-31-98	Duty Weapon Qualification	LVMPD	2
05-19-98	Investigative Profiling of Sexually Deviant Crimes	LVMPD	7
06-23-98	Duty Weapon Qualification	LVMPD	2
08-24 to 08-28-98	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
09-28-98	Optional Weapon	LVMPD	
11-17-98	Combat Shooting Simulator/FATS	LVMPD	1
12-15-98	Verbal Judo	LVMPD	7
12-22-98	Duty Weapon Qualification	LVMPD	2
03-30-99	Duty Weapon Qualification	LVMPD	2
04-13-99	Critical Procedures Test	LVMPD	2
04-28 to 04-30-99	First Annual Educational Conference Opening Ceremonies (2) Banquet (3)	NSDIAI	
"	Blood Enhancement	NSDIAI	4
"	DNA Evidence	NSDIAI	2
"	Latent Prints on Skin	NSDIAI	2
"	Footwear/Tire Tracks	NSDIAI	2
"	Unabomber	NSDIAI	2
"	JFK-MLK Evidence	NSDIAI	2
"	Laboratory Photography	NSDIAI	2
"	Polly Klass	NSDIAI	2
06-15-99	Duty Weapon Qualification	LVMPD	2
06-30-99	Optional Weapon	LVMPD	
08-23 to	Bloodstain Evidence Workshop 2	Northwestern University,	40

08-27-99		Traffic Institute	
09-21-99	Duty Weapon Qualification	LVMPD	2
09-27-99	Combat Shooting Simulator/FATS	LVMPD	1
01-20-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
03-08-00	Critical Procedures Testing	LVMPD	
03-22, 23 & 03-24-00	Forensic Death and Homicide Investigation	Public Agency Training Council - National Criminal Justice	24
04-07-00	Winning Courtroom Confrontations Seminar	LVMPD	4
06-13-00	Crime Scene Analyst Certification (qualified)- Completed all requirements and tests	IAI	
06-20-00	Handgun Qualification 3 - Recertification	LVMPD	1
07-18-00	Handgun Qualification 3 - Recertification	LVMPD	1
07-23 to 07-29-00	85 TH International Educational Conference (SEE BELOW) Charleston Civic Center, Charleston, West Virginia	IAI	Total - 13 hrs. (See below)
"	W-BL104 - Blood Presumptive Tests to Enhancement Techniques	IAI	3
"	W-BL205 - Swipes, Wipes and other Transfer Impressions	IAI	2
"	W-CS401 - The Recovery of Skeletal Remains	IAI	4
"	W-FT302 - The Collection and Preservation of Footwear Evidence	IAI	4
10-31-00	Firearms Training Simulator	LVMPD	1
01-26-01	Ridgeology Comparison Techniques - Advanced	Forensic Identification Training Seminars, LLC	40
02-12 to 02-14-01	Clandestine Laboratory Safety Certification Course Occasional Site Worker - Patrol Response to Clandestine Drug Labs (02-14-01 - 4 hours)	LVMPD	24
03-19-01	In-the-Blink-of-an -Eye - Video	LVMPD	15 Min.
03-23-01	Handgun Qualification 1	LVMPD	1
04-05-01	Driver Training Class II	LVMPD	8
04-11 to 04-13-01	NSDIAI - 3 rd Annual Educational Conference Gizmos & Gadgets	NSDIAI	2
"	Officer Involved Shootings	NSDIAI	3
"	Ted Binion Homicide	NSDIAI	2
09-07-01	Firearms Qualification 2 - Recertification	LVMPD	2
10-01-01	RC - Use of Force - Video Training Tape #1	LVMPD	15 Min.
10-29-01	Bloodstain Pattern Analysis - Angle of Impact Proficiency Exercise - Certificate #22	LVMPD Criminalistics Bureau	3

12-20-01	Firearms Training Simulator - Recertification	LVMPD	1
12-21-01	Handgun Qualification 4 - Recertification	LVMPD	1
02-19-02	Handgun Qualification 1 - Recertification	LVMPD	1
03-30-02	Documentation of Footwear & Tire Impressions	LVMPD	1
03-30-02	Forensic Anthropology	LVMPD	1.5
04-02-02	Objective Approach to the Crime Scene	LVMPD	1
04-01-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1
04-25-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
08-04 to 08-10-02	87 th International Educational Conference - See below	IAI	
"	W-50 - Advanced Documentation for Bloodstain Evidence	"	3
"	W-69 - Painting with Light	"	3
"	Triple Murders in the City of Los Angeles: The Trial in Indonesia	"	1
"	Death Cases: Truth or Consequences	"	1
"	Suicide or Is It?	"	1
01-04-03	IAI - Crime Scene Certification Board - Declared "Senior Crime Scene Analyst"	IAI	
02-03 to 02-05-03	Shooting Incident Reconstruction - Forensic Identification Training Seminars	LVMPD	24

Statement of Qualifications

Name: Heather Gouldthorpe

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

Date: 03/09/11

Name: Heather Gouldthorpe P#: 8646 Classification: Forensic Scientist Trainee

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support / AFIS	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
National University	08/2000-01/2001	Forensic Science	MFS
Bowling Green State University	08/1991-05/1995	Sociology	BA
College of Southern Nevada	08/1998-02/2006	N/A	N/A
Grossmont College	08/2002-12/2002	N/A	N/A
University of Nevada - Las Vegas	08/1996-12/1998	N/A	N/A
University of Akron	06/1993-08/1993	N/A	N/A
ADDITIONAL TRAINING / SEMINARS			

Statement of Qualifications

Name: Heather Gouldthorpe

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Basic Statistics/SWAFS	Dallas, TX	09/24/2010
Law and Testimony/SWAFS	Dallas, TX	09/20/2010
Forensic Fingerprint Analysis Basics	Forensic Training Network online course	08/26/2010
History of an Optimized Development 1,2 Indanedione-Zinc Reagent	Las Vegas, NV	10/07/2009
Automated Fingerprint Identification System	West Virginia University Extended Learning online course	04/02/2009
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/09-02/10/2009
GSW-L Latent User Methods and Operations	Las Vegas, NV	09/17- 09/18/2008
Application of Statistics to Ridgeology and ACE-V Methodology	Las Vegas, NV	03/31 - 04/04/2008
Forensic Ridgeology	Las Vegas, NV	02/18 - 02/22/2008
Forensic Photography	Las Vegas, NV	02/14/2008
Forensic Digital Imaging	Las Vegas, NV	01/07 - 01/09/2008
Introduction to Firearms Safety	Las Vegas, NV	10/24/2007
Drivers Training	Las Vegas, NV	07/02/2007
87 th Annual IAI International Educational Conference	Las Vegas, NV	08/04 - 08/10/2002
Nevada State Division for the IAI 3 rd Annual Educational Conference	Las Vegas, NV	04/11 - 04/13/2001
Fingerprinting -State of Nevada P.O.S.T. Basic Certification	Las Vegas, NV	04/16/1997
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
District Court	Latent Prints	1

Statement of Qualifications

Name: Heather Gouldthorpe

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee	03/05/11-Present
Las Vegas Metropolitan Police Department	Forensic Laboratory Technician	06/02/07 - 03/05/11
Las Vegas Metropolitan Police Department	Law Enforcement Support Technician	02/28/07-06/02/07

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
International Association for Identification (IAI)	2007-present
Southwestern Association of Forensic Scientists (SWAFS)	2010-present

PUBLICATIONS / PRESENTATIONS:

Statement of Qualifications

Name: Heather Gouldthorpe

PUBLICATIONS / PRESENTATIONS:
OTHER QUALIFICATIONS:
IAI Certified Latent Print Examiner - November 30, 2010.

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: Monte Spoor

P# 3856

Date: 10-01-03

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
U of Wyoming	General Studies	30 Cr. Hours
UNLV	Criminal Justice	92 Cr. Hours

TESTIMONY		
<i>Yes</i>	<i>No</i>	

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Sr. Crime Scene Analyst	12-4-89

SPOOR, MONTE

P# 3856
CRIMINALISTICS BUREAU -

FIELD

SENIOR CSA

SS#: 530-04-8532

DOH: 12-04-89

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
12-90	Forensic Science	American Institute of Applied Science	160
12-22-90	LVMPD Drug Testing Film	LVMPD	25 Min.
09-08-90	Firearms Training	LVMPD	8
09-28-90	Stress Management	LVMPD	4
07-11-90	New Employee	LVMPD	24
01-02-91	Driver's Training - Level 02	LVMPD	8
01-15-91	Gangs in Clark County	LVMPD	4.5
02-28-91	NCIC Level III - Video	LVMPD	
07-03-91	Gun Shot Wounds - Video	LVMPD	1
09-30-91	Duty Weapon Qualification	LVMPD	1
12-21-91	Duty Weapon Qualification	LVMPD	1
01-16-92	Firearms, Toolmarks, and Documents	LVMPD	8
02-18-92	Footwear Evidence/Recovering Firearms	LVMPD	7
03-31-92	Duty Weapon Qualification	LVMPD	1
05-05-92	NCIC Phase I - Miscellaneous Updates	LVMPD	10 Min.
06-30-92	Duty Weapon Qualification	LVMPD	1
06-30-92	Additional Duty Weapons Qualification	LVMPD	
07-92	In-Service Training Video - New Pursuit Policy	LVMPD	1
09-08-92	Asian Gangs	LVMPD	3
09-09-92	Bloodborne Pathogens - Video	LVMPD	25 Min.
09-30-92	Duty Weapon Qualification	LVMPD	1
12-31-92	Duty Weapon Qualification		
02-26-93	Polilight Laser Photography & Chemical Techniques	LVMPD	8
03-10-93	NCIC Phase I - Videotape	LVMPD	20 Min.

H:\FRONTOFF\SHIRLEY\WORKAREA\EDUCATION\SPOOR_EDUCAT.WPD

000158

AA000125

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
03-26-93	Off-Duty Weapon Qualification	LVMPD	
03-26-93	Back-up Weapon Qualification	LVMPD	
03-31-93	NCIC Phase I - Video	LVMPD	20 Min.
03-31-93	Duty Weapon Qualification	LVMPD	1
06-30-93	Duty Weapon Qualification	LVMPD	1
09-30-93	Duty Weapon Qualification	LVMPD	1
12-31-93	Duty Weapon Qualification	LVMPD	1
03-03-94	Driver's Training	LVMPD	8
03-10-94	Det. Tactics (PR24) - Recertification		4
03-11-94	Back-up Weapon Qualification	LVMPD	
03-15-94	Asian Gangs	LVMPD	3
03-31-94	Duty Weapon Qualification	LVMPD	1
08-01-94	Abuse/Neglect of Elderly	LVMPD	2.5
09-30-94	Optional Weapon	LVMPD	
09-30-94	Duty Weapon Qualification	LVMPD	1
09-94	Bloodborne Pathogens - Video	LVMPD	
10-17-94	Air Smuggling	LVMPD	7
12-02-94	Gangs in Clark County	LVMPD	7
03-31-95	Duty Weapon Qualification	LVMPD	1
06-30-95	Duty Weapon Qualification	LVMPD	1
09-30-95	Duty Weapon Qualification	LVMPD	1
03-26-96	(A) Back-up Weapon Qualification & (B) Off-Duty Weapon Qualification	LVMPD	
03-31-96	Duty Weapon Qualification	LVMPD	1
06-30-96	Duty Weapon Qualification	LVMPD	2
07-09-96	Critical Procedures Test	LVMPD	
07-22-96	Gunshot & Stab Wounds: A Medical Examiner's View	Barbara Clark Mims Associates	8
09-23 to		Northwestern University,	

H:\FRONTOFF\SHIRLEY\WORKAREA\EDUCATION\SPOOR_EDUCAT.WPD

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
09-27-96	Crime Scene Technology II	Traffic Institute	40
09-30-96	Duty Weapon Qualification	LVMPD	2
02-04, 05, & 02-06-97	Top Gun Training	LVMPD	21
02-27-97	Moot Court - Video	LVMPD	2
03-10, 11, & 03-12-97	Practical Homicide Investigation	Public Agency Training Council - Public Safety Continuing Education	24
03-13-97	Ultraviolet (UV) Light Orientation and Safety Presentation	LVMPD	1
03-30-97	Duty Weapon Qualification	LVMPD	2
04-16-97	Conflict Resolution and Confrontation Skills	ETC W/CareerTrack Seminar	7
04-23, 24, & 04-30-97	Civilian Use of Force & Firearm Training	LVMPD	21
06-13-97	NCIC Phase I - Video	LVMPD	20 Min.
07-02-97	Duty Weapon Qualification	LVMPD	2
07-21-97	Critical Procedures Test	LVMPD	
08-27, 28, & 08-29-97	Train the Trainers - F.T.E.P	LVMPD	21
09-15 to 09-19-97	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
09-30-97	Duty Weapon Qualification	LVMPD	2
10-06 to 10-10-97	Investigative Photography 1	Northwestern University, Traffic Institute	40
11-26-97	International Assoc. For Identification (IAI), Member # 15832	IAI	
12-04-97	Stress Management	LVMPD	4
12-31-97	Duty Weapon Qualification	LVMPD	2
02-04-98	Certificate of Appreciation - United Way of		

H:\FRONTOFF\SHIRLEY\WORKAREA\EDUCATION\SPOR_EDUCAT.WPD

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
	Southern Nevada		
02-14-98	Trauma Shooting - Video	LVMPD	30 Min.
02-19-98	Combat Shooting Simulator (FATS)	LVMPD	1
02-23-98	Domestic Violence - Video	LVMPD	1
03-04-98	Clandestine Lab Dangers - Video	LVMPD	30 Min.
03-05-98	Secondary Devices - Video	LVMPD	30 Min.
03-31-98	Duty Weapon Qualification	LVMPD	2
04-08-98	Critical Procedures Test	LVMPD	
04-30-98	Class II - Driver Training	LVMPD	8
06-16-98	Duty Weapon Qualification	LVMPD	2
10-30-98	Nevada State Division of the International Association for Identification (NSDIAI) - Active Charter Member, Certificate #00069	NSDIAI	
12-04-98	Duty Weapon Qualification	LVMPD	2
12-07 to 12-11-98	Advanced Practical Homicide Investigation	Public Agency Training Council, National Crime Justice, Public Safety Continuing Education	40
01-15-99	Training - Motor Home Driving	LVMPD	4
03-22-99	Award Presentation and PR Photography	LVMPD	2
03-30-99	Duty Weapon Qualification	LVMPD	2
04-22-99	Latent Fingerprint Workshop of Cyanoacrylate Techniques	Detecto Print	6
04-28 to 04-30-99	First Annual Educational Conference - Unabomber	NSDIAI	2
"	Bombing Scenes	NSDIAI	2
"	Polly Klass	NSDIAI	2
"	Footwear/Tire Tracks	NSDIAI	2
"	DNA Evidence	NSDIAI	2
"	Child Abuse	NSDIAI	2

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
"	J. Edgar Hoover	NSDIAI	2
"	Disaster Preparedness	NSDIAI	2
08-23 to 08-27-99	Bloodstain Evidence Workshop 2	Northwestern University, Traffic Institute	40
09-27-99	Duty Weapon Qualification	LVMPD	2
09-27 to 10-01-99	1 st Annual Advanced Crime Scene Reconstruction Invitational Workshop - "Police- Involved Incidents" - hosted by LVMPD	Institute of Applied Forensic Technology	40
10-28-99	Combat Shooting Simulator - FATS	LVMPD	1
01-19-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
03-06 to 03-07-00	Hate Crimes and Extremist Groups	Public Agency Training Council, National Crime Justice	16
04-10 to 04-12-00	LVMPD Clandestine Laboratory/Safety Certification Course	LVMPD	24
12-11-00	How to Write User Manuals: A Technical- Writing Workshop	Padgett-Thompson	6 (0.6 CEUs)
01-17-01	Courtroom Testimony for Police Officers	State of Nevada Commission on Peace Officers' Standards and Training	4
02-27-01	The Grammar and Usage Seminar	Fred Pryor Seminars	6
04-11 to 04-17-01	Instructor Development	LVMPD	40
07-22 to 07-28-01	International Association for Identification - 86 th International Educational Conference (see below)	IAI	(see below)
"	Investigating Occult Crime	"	8
"	Killer on the Railcar	"	1.5
"	Unique Applications for Alternate Lights and Lasers	"	1
"	Specialized Photography: Techniques to Reveal Hidden Evidence	"	30 Min.
"	John Gacy, Serial Murderer	"	30 Min.

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
"	Photographic Identification of Clothing from Wear and Tear and Manufactured characteristics - The Band-Aid Bandit Case	"	1
01-15-02	Bloodstain Pattern Analysis - Certificate # 037 - completed proficiency exercises - Given by Criminalistics Bureau	LVMPD Criminalistics Bureau	3
04-03-02	Documentation of Footwear & Tire Impressions	LVMPD	1
04-04-02	Criminal Law	LVMPD	2
08-04 to 08-10-02	87 th International Educational Conference - See below	IAI	
"	The Luck Factor	"	.5
"	Animation in Your Crime Scene - Utilization of 3-D	"	1
"	Courtroom or Classroom? Demonstrative Evidence	"	2
"	Fingerprint Evidence in the Danielle Van Damme Trial	"	1
"	Blood Reagents: Is it Really Blood?	"	1
"	Physical Evidence - Definitions and Uses	"	1
"	Latest Development in Vacuum Metal Deposition	"	1
01-20 to 01-24-03	Ridgeology Science Workshop - Forensic Identification Training Seminars	LVMPD	40
02-03 to 02-05-03	Shooting Incident Reconstruction - Forensic Identification Training Seminars	LVMPD	24

Las Vegas Metropolitan Police Department Forensic Laboratory (Supplemental) Report of Examination Latent Prints		Distribution Date: April 16, 2014 Agency: LVMPD Primary Case #: 140128-2214 Incident: Robbery Requester: Scott J Kavon Location: Robbery/Homicide Bureau Lab Case #: 14-01726
Subject(s):	Kenny SPLOND (Suspect)	

The following evidence was examined and results are reported below.

Latent Print Examination

Lab Item #	Impound Pkg #	Card #	Description	Results and Conclusions
Item 1	005221 - 1	Q1	One lift card from "Samsung Galaxy Mega demonstration phone on counter at south end".	One suitable print(s) marked A: A - The latent print was excluded from the following: SPLOND, Kenny
		Q2	One lift card from "Samsung Galaxy Mega demonstration phone on counter at south end".	No suitable latent prints.
		Q3	One lift card from "Samsung Galaxy Mega demonstration phone on counter at south end".	No suitable latent prints.
		Q4	One lift card from "Samsung Galaxy Mega demonstration phone on counter at south end".	One suitable print(s) marked A: A - The latent print was excluded from the following: SPLOND, Kenny
		Q5	One lift card from "Samsung Galaxy Mega demonstration phone on counter at south end".	One suitable print(s) marked A: A - The latent print was excluded from the following: SPLOND, Kenny

Exemplar Prints

Name	ID	Description
SPLOND, Kenny	1138461	LVMPD Archive fingerprints dated 2/2/2014

The evidence is returned to secure storage.

Technical Reviewer: Forensic Scientist Kathryn Aoyama P#8025

Heather Gouldthorpe 8646

Heather Gouldthorpe, #8646
Forensic Scientist II

04/11/2014

- END OF REPORT -

Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Latent Prints		Distribution Date: February 12, 2014 Agency: LVMPD Primary Case #: 140128-2214 Incident: Robbery Requester: Scott J Kavon Location: Robbery/Homicide Bureau Lab Case #: 14-01726
Subject(s):	None Listed	

The following evidence was examined and results are reported below.

The latent prints in package 005221 - 1 booked 01/29/2014 were screened for AFIS with the following results:

The latent print(s) were analyzed and do not qualify for AFIS entry.

This report is limited to comparisons made as a result of AFIS screening. Additional latent prints were collected from the crime scene and are available for comparison. If additional comparisons are needed to the person(s) listed above or other individuals please submit a Forensic Laboratory Examination Request (LVMPD63) to the Forensic Lab (e-mail request to: ForensicLab@lvmpd.com). Be sure to include the names and ID#'s of all individuals to be compared to the latent prints in this case.

Note: Registered latent prints will be deleted from the AFIS database when the case reaches the statute of limitations.

The evidence is returned to secure storage.

Heather Gouldthorpe 8646

Heather Gouldthorpe, #8646
Forensic Scientist I

02/10/2014

- END OF REPORT -

Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Latent Prints		Distribution Date: February 6, 2014 Agency: LVMPD Primary Case #: 140122-2866 Incident: Robbery Requester: Jeffrey M Smith Location: CSI Lab Case #: 14-01721
Subject(s):	Samuel ECHEVERRIA (AFIS)	

The following evidence was examined and results are reported below.

Latent Print Examination

Lab Item #	Impound Pkg #	Card #	Description	Results and Conclusions
Item 1	003856 - 1	Q1	One lift card "From the interior west side of the north facing glass entrance door."	Two suitable print(s) marked A and B: A - Searched through AFIS with positive results; identified to the left middle finger of ECHEVERRIA, Samuel. B - Identified to the left index finger of ECHEVERRIA, Samuel.
		Q2	One lift card "From the interior east side of the north facing glass entrance door."	One suitable print(s) marked A: A - The latent print was excluded from the following: ECHEVERRIA, Samuel Searched through AFIS with negative results and registered in the database.

Exemplar Prints

Name	ID	Description
ECHEVERRIA, Samuel	2806724	LVMPD Archive fingerprints dated 3/28/2011

The evidence is returned to secure storage.

Technical Reviewer: Forensic Scientist Heidi Eldridge P#14665

Heather Gouldthorpe 8646

Heather Gouldthorpe, #8646
Forensic Scientist I

02/05/2014

- END OF REPORT -

Las Vegas Metropolitan Police Department Forensic Laboratory (Supplemental) Report of Examination Latent Prints		Distribution Date: April 16, 2014 Agency: LVMPD Primary Case #: 140122-2866 Incident: Robbery Requester: Scott Kavon Location: Robbery/Homicide Bureau Lab Case #: 14-01721
Subject(s):	Kenny SPLOND (Suspect) Samuel ECHEVERRIA (Victim)	

The following evidence was examined and results are reported below.

Latent Print Examination

Lab Item #	Impound Pkg #	Card #	Description	Results and Conclusions
Item 1	003856 - 1	Q1	One lift card "from the interior west side of the north facing glass entrance door."	Three suitable print(s) marked A, B and C: A - Identified to the left middle finger of ECHEVERRIA, Samuel.* B - Identified to the left index finger of ECHEVERRIA, Samuel.* C - Identified to the left ring finger of ECHEVERRIA, Samuel.
		Q2	One lift card "from the interior east side of the north facing glass entrance door."	One suitable print(s) marked A: A - The latent print was excluded from the following: ECHEVERRIA, Samuel SPLOND, Kenny Searched through AFIS with negative results.

Exemplar Prints

Name	ID	Description
ECHEVERRIA, Samuel	2806724	LVMPD Archive fingerprints dated 3/28/2011
SPLOND, Kenny	1138461	LVMPD Archive fingerprints dated 2/2/2014

*This report included identifications that were previously reported by FS H. Gouldthorpe, P#8646, on 02/05/14.

The evidence is returned to secure storage.

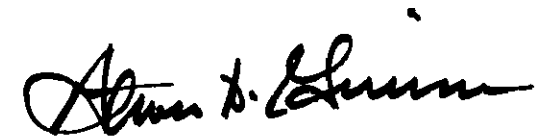
Technical Reviewer: Forensic Scientist Kathryn Aoyama P#8025

Heather Gouldthorpe 8646

Heather Gouldthorpe, #8646
Forensic Scientist II

04/11/2014

- END OF REPORT -



CLERK OF THE COURT

1 **NOT**
2 T. AUGUSTUS CLAUS, ESQ.
3 LEGAL RESOURCE GROUP, LLC.
4 Nevada Bar No. 10004
5 205 N. Stephanie St., Suite D221
6 Henderson, NV 89074
7 Telephone: (702) 463-4900
8 Fax: (702) 463-4800

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

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.

12 KENYA SPLOND,
13 #1138461

14 Defendant.

Case No.: C-14-296374-1

Dept. No.: 8

NOTICE TO PLACE ON CALENDAR

15 Upon the application of T. Augustus Claus, Defendant's KENYA SPLOND Attorney,
16 it is hereby requested that the above entitled matter be placed on the 8:00 a.m. calendar on
17 the 5 day of October, 2015, at 8:00 o'clock A.M. for the purpose of Continuing Trial Date.

18
19 DATED this 24th day of September, 2015.

20 LEGAL RESOURCE GROUP, LLC.

21
22 /s/ T. Augustus Claus

23 T. AUGUSTUS CLAUS, ESQ.
24 LEGAL RESOURCE GROUP, LLC.
25 Nevada Bar No. 10004
26 205 N. Stephanie St., Suite D221
27 Henderson, NV 89074
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of **LEGAL RESOURCE GROUP, LLC.**, and that on the 24th day of September, 2015, I caused the Notice to Place of Calendar to be served as follows:

- ☐ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ by hand delivery via runner
- ☒ via electronic service

to the attorneys listed below:

DISTRICT ATTORNEY'S OFFICE
Clark County District Attorney
200 South Lewis Avenue
Las Vegas, Nevada 89155
pdmotions@clarkcountyda.com

/s/ Tobi Caperon
An Employee of the Legal Resource Group, LLC.


CLERK OF THE COURT

MOT

T. AUGUSTUS CLAUS, ESQ.
LEGAL RESOURCE GROUP, LLC.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
(702) 463-4900 Phone
(702) 463-4800 Fax
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

KENYA SPLOND,
#1138461

Defendants.

Case No.: C-14-296374-1

Dept. No.: 11

MOTION TO PRODUCE AND PRESERVE EVIDENCE

COMES NOW the Defendant KENYA SPLOND, by and through his attorney, T. AUGUSTUS CLAUS, Esq., of the law firm LEGAL RESOURCE GROUP, LLC., and hereby moves this Honorable Court to Order the State to Produce And Preserve Evidence. This Motion is based upon the pleadings and papers on file herein, the following Points and Authorities, the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, and any additional arguments which may be had at the hearing hereon.

DATED this 15th day of March, 2016.

LEGAL RESOURCE GROUP, LLC

/s/ T. Augustus Claus

T. AUGUSTUS CLAUS, ESQ.
LEGAL RESOURCE GROUP, LLC
Attorney for Defendant

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

DATED this 15th day of March, 2016.

/s/ T. Augustus Claus
T. AUGUSTUS CLAUS, ESQ.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
(702)463-4900 Phone
(702)463-4800 Fax
Attorney for Defendant

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **STATEMENT OF FACTS**

4 Kenya Splond (hereinafter “SPLOND” or “Defendant”) is currently awaiting for Jury
5 Trial to be rescheduled and is charged with multiple counts of Burglary While In Possession of A
6 Firearm, Robbery With Use of A Deadly Weapon, and one count of possession of stolen
7 property and conspiracy to commit robbery. These charges from alleged crimes committed
8 across three different locations on three different dates.

9 On January 22nd, 2014, the Cricket Wireless store located at 4343 N. Rancho Drive was
10 burgled by a customer asking for a cellphone battery. The perpetrator pointed a black firearm at
11 Sam Echeverria and demanded money, which they received in the amount of \$386.71.

12 On January 28th, 2014, the Metro PCS store located at 6663 Smoke Ranch Road was
13 burgled by a customer asking to buy a cell phone. The perpetrator used to gun to demand money
14 from Graciela Angeles, which they received in the amount of \$300.00.

15 On February 2nd, 2014, the Star Mart Convenience Store located at 5001 N. Rainbow
16 Boulevard was burgled by a customer buying two packs of Newport 100s cigarettes and a pack
17 of Wrigley’s chewing gum. The perpetrator pointed a gun at Brittany Slathar and demanded
18 money, which Ms. Slathar cleverly denied him by saying that she couldn’t open the cash drawer
19 without making a sale. While not pleased, the perpetrator ultimately escaped with two packs of
20 cigarettes and chewing gum.

21 SPLOND was arrested as part of a vehicle stop approximately 1000 yards away.

22 This Motion follows:
23

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

II.

LEGAL ARGUMENT

The State's obligations to produce evidence prior to trial can be broadly be categorized as both statutory and constitutional in nature.

1. Statutory Requirements

NRS 174.235 provides in part that:

“1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the request of a defendant, the prosecuting attorney shall permit the defendant to inspect and to copy or photograph any:

(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call during the case in chief of the State, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; and

(c) Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the case in chief of the State and which are within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney.”

NRS 174.235 (2016).

In short, NRS 174.235 provides for the statutory production by the State of all “...papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the case in chief of the State...” NRS 174.235(1)(c). While the State ceaselessly seeks to limit their duties of production under all theories of discovery, a narrow

1 reading NRS 174.235 pertaining to only case-in-chief evidence leads to absurd results.¹

2 Accordingly, at a minimum, the State’s statutory duties should be read to include all witness
3 accounts and scientific testing that have been generated in association with this case.

4 **2. Constitutional Requirements**

5 Failure of the State to provide exculpatory evidence in its actual or constructive
6 possession prior to trial can result in violations of a defendant’s due process rights in the Fifth
7 and Fourteenth Amendments of the United States Constitution. These rules apply regardless of a
8 limiting statutory framework and create a class of materials generally referred to as “Brady
9 Materials”. See generally Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.12d 215
10 (1963); Kyles v. Whitley, 514 U.S.W. 419, 115 S.Ct. 1555, 131 L.Ed.2d 290 (1995); Strickler v.
11 Greene, 527 U.S. 263, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999). When the defense makes a
12 specific request for Brady material and the State does not provide such material, the Nevada
13 Supreme Court has held that there are grounds for reversal of a conviction “if there exists a
14 reasonable possibility that the claimed evidence would have affected the judgment of the trier of
15 fact.” Roberts v. State, 110 Nev. 1121, 881 P.2d 1, 5 (1994). See, also, Jimenez v. State, 112
16 Nev. 610, 619, 918 P.2d 687,692 (1996), and State v. Bennett, 119 Nev. 589, 81 P.3d 1, 8
17 (2003).

18 The Nevada Supreme Court has clarified the components of a Brady violation, including
19 that:

20 “Due process does not require simply the disclosure of
21 ‘exculpatory’ evidence. Evidence also must be disclosed if it
22 provides grounds for the defense to attack the reliability,
 thoroughness, and good faith of the police investigation, to
 impeach the credibility of the state's witnesses, or to bolster the

23 ¹ For instance, NRS 171.1965 governs the production of evidence prior to a preliminary hearing and
requires the State to provide any “written or recorded statements” and “scientific tests” of any witnesses, not limited
to the simply what the state intends to introduce in its case in chief.

1 defense case against prosecutorial attacks. Furthermore,
2 '[d]iscovery in a criminal case is not limited to investigative leads
3 or reports that are admissible in evidence.' Evidence 'need not
4 have been independently admissible to have been material.'"
5 Mazzan v. Warden, Ely State Prison, 116 Nev. 48, 67, 993 P.2d 25, 37 (2000) (citations
6 omitted). Accordingly, Brady Materials include not only directly exculpatory materials, but also
7 those materials that allow a defendant to attack the substance of the State's case or theory.

8 Finally, the State is charged with the constructive possession of their agents and the
9 Nevada Supreme Court has firmly stated:

10 "Moreover, even if the detectives withheld their reports without the
11 prosecutor's knowledge, 'the state attorney is charged with
12 constructive knowledge and possession of evidence withheld by
13 other state agents, such as law enforcement officers.'"

14 Jimenez v. State, 112 Nev. 610, 620, 918 P.2d 687, 693 (1996), citing to Gorham v. State,
15 597 So.2d 782, 784 (Fla.1992); cf. United States v. Butler, 567 F.2d 885, 891 (9th Cir.1978). In
16 Kyles v. Whitley, supra, the United States Supreme Court made it clear that the prosecutor has
17 an affirmative obligation to obtain Brady material and provide it to the defense, even if the
18 prosecutor is initially unaware of its existence. In so finding, the Supreme Court noted that
19 "[t]he prosecution's affirmative duty to disclose evidence favorable to a defendant can trace its
20 origins to early 20th century strictures against misrepresentation and is of course most
21 prominently associated with this Court's decision in Brady v. Maryland . . ." Id. 514 U.S. at 432.
22 The Kyles Court also made it clear that this obligation exists even where the defense does not
23 make a request for such evidence. Id.

24 **3. Defendant's Specific Requests**

25 Defendant, by and through counsel, hereby requests this Honorable Court to Order the
26 State of Nevada to preserve and produce the following items. In the case of any items the Court

1 does not order produced, the Defendant requests that the State be ordered to preserve said items,
2 should they be necessary for any trial or appeal of this matter.

- 3 a. The last known address and contact information for those interviewed or questioned
4 regarding these events, including those who may have provided leads to law
5 enforcement.
- 6 b. Written or recorded statements, memoranda, and summaries of oral statements of the
7 persons associated with the events charged in this case, whether or not the State
8 intends to call such persons as witnesses in this matter.
- 9 c. Any and all written or recorded notes of any law enforcement agent(s), containing
10 essentially verbatim information provided by any of the person(s) associated with the
11 events charged in this case.
- 12 d. Original audio and/or video tape recordings of all interviews conducted by or on
13 behalf of the law enforcement agents, relative to the charges against SPLOND in
14 Case No. C-14-296374-1& C-14-300105-1.
- 15 e. The criminal histories within the knowledge of the State of Nevada for the persons
16 interviewed or questioned regarding these events, including his or her name and last
17 known address; and any potential witnesses relating to the charges against SPLOND
18 in Case No. C-14-296374-1& C-14-300105-1.²
- 19 f. Information concerning any actual, implied, and/or prospective promises made to,
20 deals offered to and/or benefits, payments and/or inducements to any prospective
21 witnesses or co-defendants in this case, whether formal or not, or completed or not.

22 ² To the extent that the State contends that these criminal histories cannot be provided to the defense absent
23 a court order, Defendant requests that this court issue such an order, as they has no independent access to this
information, except for the SCOPE printouts for the witnesses endorsed on the Criminal Complaint in this case. The
scope of this request is such that, to the extent that the State, either in the initial investigation by Metro or in
preparation for proceeding with charges, has availed itself of criminal history information via SCOPE or NCIC, such
knowledge should be shared with the Defendant.

1 This would include, but is not limited to, specifically, any rewards, reimbursements,
2 vouchers, cash payments and/or assistance in the broadest sense received by any
3 prospective witnesses or co-defendants.

4 g. Statements, formal or not, and recorded or not, alleged to have been made by the
5 Defendant, related in any way to Event Number 140122-2866, 140128-2214, 140202-
6 0538, 140202-0526, 140202-2619, Case No. C-14-296374-1& C-14-300105-1
7 (District Court) or intended to be used by the State in this case from any other case.
8 This request includes any notes of law enforcement.

9 h. Pictures or photographs, whether digital or in another form, taken of any object or
10 item inventoried or impounded into evidence as a result of the search warrant issued
11 in this matter, or evidence which is related and intending to be used by the State in
12 any way, to the following to Event Number 140122-2866, 140128-2214, 140202-
13 0538, 140202-0526, 140202-2619, Case No. C-14-296374-1& C-14-300105-1
14 (District Court), including but not limited to:

- 15 1. Evidence Impound Reports
- 16 2. Crime Scene Investigation Reports

17 i. Documents and/or notes of law enforcement agent(s) or investigator(s), reflecting the
18 investigation where the Defendant was arrested.

19 j. Reports of the incidents complained of in or related to 140122-2866, 140128- 2214,
20 140202-0538, 140202-0526, 140202-2619, Case No. C-14-296374-1& C-14-300105-
21 1 (District Court), including any surveillance video and/or audio tapes prepared or
22 generated by:

- 23 1. The witnesses

1 2. The Officers

2 3. Any other law enforcement agent(s) who was involved, in any way,
3 with the incidents which are the basis for the underlying charges in the
4 case as referenced hereinabove.

5 k. Field Notes or Case Monitoring forms (or time lines) prepared in relation to 140122-
6 2866, 140128-2214, 140202-0538, 140202-0526, 140202-2619, Case No. C-14-
7 296374-1& C-14-300105-1 (District Court).³

8 l. All written reports, notes, memoranda, maps, drawings or diagrams written, drawn
9 or otherwise prepared in connection with, or pertaining, in any way, to the
10 investigation of the crimes charged against the Defendant in Case No. C-14-296374-1
11 & C-14-300105-1, by the following:

12 1. The witnesses

13 2. The Officers

14 3. Any other law enforcement agent(s) who was involved, in any way,
15 with the incidents which are the basis for the underlying charges in the
16 case as referenced hereinabove.

17 m. Any of the following enumerated items that are relevant to 140122-2866, 140128-
18 2214, 140202-0538, 140202-0526, 140202-2619, Case No. C-14-296374-1& C-14-
19 300105-1 (District Court) whether the State intends to offer them into evidence at
20 trial or not, that are not covered under another specific request or provided

23 ³ These items go directly to the nature and thoroughness of the police investigation. As noted in Mazzan,
supra, evidence “must be disclosed if it provides grounds for the defense to attack the reliability, thoroughness, and
good faith of the police investigation.” Therefore, these field notes are necessary to providing the accused with the
information necessary to such a defense.

1 previously, including but not limited to:⁴

2 1. Photographs;

3 2. Videotapes;

4 3. Audiotapes

5 n. Call logs, field notes and/or memos, calls for services, officer log records, and radio
6 traffic records, both audio and written, referencing the following 140122-2866,
7 140128-2214, 140202-0538, 140202-0526, 140202-2619, Case No. C- 14-296374-1&
8 C-14-300105-1 (District Court).

9 o. Tangible or demonstrative objects, books, papers or documents which the State will
10 rely on for trial, or which were seized at the time of the arrest of the accused, or the
11 execution of any search warrants relating to the charges against the Defendant, not
12 already provided to the defense.

13 p. A copy of any search warrant issued and/or served in relation to the charges against
14 the Defendant in Case No. C-14-296374-1& C-14-300105-1.

15 q. All reports, laboratory or otherwise, or statements of experts made in connection
16 with the charges against SPLOND in Case No. C-14-296374-1& C-14-300105-1,
17 including, but not limited to, the Las Vegas Metropolitan Police Department
18 Computer Forensic Lab Report related to, Event Number 140122-2866, 140128-2214,
19 140202-0538, 140202-0526, 140202-2619 and any subsequent addendums, changes,
20 or supplemental, whether intended to be used at trial or not, including results of any
21 scientific tests, experiments or comparisons by any officer, detective, crime scene
22 analyst, laboratory technician, evidence technician, agent of the State, or private

23 ⁴ Should any of the items in this request have been lost or destroyed, those items should be specifically
listed, and an explanation for their loss or destruction should be furnished.

- 1 individuals consulted by the State.
- 2 r. The accused herein specifically requests information as to whether any digital
- 3 imaging or enhancement techniques were used in connection with the analysis of any
- 4 evidence related to this cause, whether the results of such techniques or analyses are
- 5 intended to be used by the State at trial or not.
- 6 s. Any criminal history information or acts concerning the Defendant which the State
- 7 intends to use at the trial of this matter, including use for impeachment if he should
- 8 testify, and/or for proof of knowledge, intent, common scheme or plan, or other
- 9 purposes, pursuant to NRS 48.045.
- 10 t. All 911 calls, CAD and LRMS records related to any of the following Event Number
- 11 140122-2866, 140128-2214, 140202-0538, 140202-0526, 140202-2619, Case No. C-
- 12 14-296374-1& C-14-300105-1 (District Court).
- 13 u. All records and/or recordings relating to transmissions of radio traffic for the Event
- 14 Number 140122-2866, 140128-2214, 140202-0538, 140202-0526, 140202-2619,
- 15 Case No. C-14-296374-1& C-14-300105-1 (District Court).
- 16 v. Any information obtained during the investigation of this matter which could in any
- 17 way be considered favorable to the defense, whether discounted by the State or not.
- 18 Such information includes, but is not limited to, information furnished by those
- 19 interviewed during the investigation, the results of any searches performed, any leads
- 20 which were furnished to law enforcement, whether such leads were followed-up or
- 21 not, and any forensic evidence.
- 22 w. Any information on any criminal history or any material or information which relates
- 23 to specific instances of misconduct of any witness in the case from which it could be

1 inferred that the person is untruthful and which may be or may lead to admissible
2 evidence. This includes, but is not limited to, any juvenile record, misdemeanors, out-
3 of-state arrests and convictions, outstanding arrest warrants or bench warrants, and
4 cases which were dismissed or not pursued by the prosecuting agency or any other
5 information that would go to the issue of credibility and bias, whether or not the
6 information is admissible as evidence.

7 **III.**

8 **CONCLUSION**

9 For the foregoing reasons, Defendant asks this Honorable Court grant the above Motion, and
10 issue any Orders as may be necessary to preserve evidence in this case.

11 DATED this 15th day of March, 2016.

12
13 LEGAL RESOURCE GROUP, LLC

14 /s/ T. Augustus Claus
15 T. AUGUSTUS CLAUS, ESQ.
Nevada Bar #010004
LEGAL RESOURCE GROUP, LLC

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of **LEGAL RESOURCE**
3 **GROUP, LLC.**, and that on the 15th day of March, 2016, I caused the MOTION TO
4 PRODUCE AND PRESERVE EVIDENCE to be served as follows:

5 ☐ by placing a true and correct copy of the same to be deposited for mailing in the
6 U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first
class postage was fully prepaid; and/or

7 ☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or

8 ☐ by hand delivery via runner

9 ☒ via electronic service

10 to the attorneys listed below:
11

12 DISTRICT ATTORNEY'S OFFICE
13 Clark County District Attorney
200 South Lewis Avenue
Las Vegas, Nevada 89155
14 pdmotions@clarkcountyda.com

15 /s/ Tobi Caperon
16 An Employee of the Legal Resource Group, LLC.


CLERK OF THE COURT

MOT

T. AUGUSTUS CLAUS, ESQ.
LEGAL RESOURCE GROUP, LLC.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
(702) 463-4900 Phone
(702) 463-4800 Fax
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

KENYA SPLOND,
#1138461

Defendants.

Case No.: C-14-296374-1

Dept. No.: 11

MOTION TO SUPPRESS EVIDENCE OBTAINED AS RESULT OF ILLEGAL STOP

COMES NOW the Defendant KENYA SPLOND, by and through their attorney, T. AUGUSTUS CLAUS, Esq., of the law firm LEGAL RESOURCE GROUP, LLC., and hereby files this MOTION TO SUPPRESS EVIDENCE OBTAINED AS RESULT OF ILLEGAL STOP. This Motion is based upon the pleadings and papers on file herein, the following Points and Authorities, the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, and any additional arguments which may be had at the hearing hereon.

DATED this 18th day of March, 2016.

LEGAL RESOURCE GROUP, LLC

/s/ T. Augustus Claus

T. AUGUSTUS CLAUS, ESQ.
LEGAL RESOURCE GROUP, LLC
Attorney for Defendant

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

DATED this 18th day of March, 2016.

/s/ T. Augustus Claus
T. AUGUSTUS CLAUS, ESQ.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
(702)463-4900 Phone
(702)463-4800 Fax
Attorney for Defendant

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **STATEMENT OF FACTS**

4 Kenya Splond (hereinafter “SPLOND” or “Defendant”) is currently awaiting for Jury
5 Trial to be rescheduled and is charged with multiple counts of Burglary While In Possession of A
6 Firearm, Robbery With Use of A Deadly Weapon, and one count of possession of stolen
7 property and conspiracy to commit robbery. These charges from alleged crimes committed
8 across three different locations on three different dates.

9 On January 22nd, 2014, the Cricket Wireless store located at 4343 N. Rancho Drive was
10 burgled by a customer asking for a cellphone battery. The perpetrator pointed a black firearm at
11 Sam Echeverria and demanded money, which they received in the amount of \$386.71.

12 On January 28th, 2014, the Metro PCS store located at 6663 Smoke Ranch Road was
13 burgled by a customer asking to buy a cell phone. The perpetrator used to gun to demand money
14 from Graciela Angeles, which they received in the amount of \$300.00.

15 On February 2nd, 2014, the Star Mart Convenience Store located at 5001 N. Rainbow
16 Boulevard was burgled by a customer buying two packs of Newport 100s cigarettes and a pack
17 of Wrigley’s chewing gum. The perpetrator pointed a gun at Brittany Slathar and demanded
18 money, which Ms. Slathar cleverly denied him by saying that she couldn’t open the cash drawer
19 without making a sale. While not pleased, the perpetrator ultimately escaped with two packs of
20 cigarettes and chewing gum.

21 Initially police were notified of the incident via an alarm company and the register silent
22 alarm. Slather called 911 and indicated that the male who robbed her had left on Rainbow Blvd.
23 towards “the bar next door” on foot. There were no indications of accomplices or vehicle

1 involvement. *See Exhibit A.* Based on this information, Officers observed a silver 4 door sedan
2 leaving the area and conducted a traffic stop “for extreme damage to the rear of the vehicle and
3 for leaving the area of the Robbery.” *See Exhibit B.* No citation appears to have been issued for
4 the vehicle extreme damage. *See Exhibit C.*

5 Upon initiation of the traffic stop, officers observed someone under a sheet in the back of
6 the car and ultimately took SPLOND into custody. *See Exhibit B.* During the arrest of
7 SPLOND, the cigarettes and gum associated with the Star Mart robbery were located, as well as
8 a firearm. It does not appear that the police sought or ever received a search warrant.

9 This Motion follows:

10 II.

11 LEGAL ARGUMENT

12 Even investigatory stops by police must be based on something related to what they are
13 seeking. In the case at bar, there is no indication of any facts, other than being in the vicinity of
14 the robbery that give police any basis for an investigatory stop.

15 The Fourth Amendment to the United States Constitution provides that “[t]he right of the
16 people to be secure in their persons, houses, papers, and effects, against unreasonable searches
17 and seizures, shall not be violated,” and that “no Warrants shall issue, but upon probable cause.”
18 Article I, Section 18 of the Nevada Constitution similarly provides, “[t]he right of the people to
19 be secure in their persons, houses, papers and effects against unreasonable seizures and searches
20 shall not be violated; and no warrant shall issue but on probable cause....” Under these cognate
21 provisions of our federal and state constitutions, warrantless searches “are per se unreasonable ...
22 subject only to a few specifically established and well-delineated exceptions.” Katz v. United
23 States, 389 U.S. 347, 357, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967); Hughes v. State, 116 Nev. 975,

1 979, 12 P.3d 948, 951 (2000). One such exception is the “automobile exception.” However, even
2 an automobile stop requires probable cause. *See generally State v. Lloyd*, 129 Nev. Adv. Op. 79,
3 312 P.3d 467 (2013).

4 While probable cause could be found if the suspect was “...reasonably within the area of
5 the robbed office and met a reasonable description of the robber”, the driver of the vehicle was
6 female and there were no indications of an accomplice or a vehicle. *Johnson v. State*, 86 Nev.
7 52, 54, 464 P.2d 465, 466 (1970), *see also Franklin v. State*, 96 Nev. 417 (1980). Conversely,
8 not even reasonable suspicion is found for situations like this, where a person standing in a “high
9 drug area” is conversing with others and doesn’t wish to speak with police. An individual's
10 presence in an area of expected criminal activity, standing alone, is not enough to support a
11 reasonable, particularized suspicion that the person is committing a crime. *Brown v. Texas*, 443
12 U.S. 47, 99 S.Ct. 2637, 61 L.Ed.2d 357 (1979); *see also Illinois v. Wardlow*, 528 U.S. 119, 124,
13 120 S. Ct. 673, 676, 145 L. Ed. 2d 570 (2000).

14 As a general matter, if the state obtains evidence in violation of a suspect’s constitutional
15 rights, the evidence must be excluded from trial. *See Mapp v. Ohio*, 367 U.S. 643 (1961); *State*
16 *v. Carter*, 322 N.C. 709, 370 S.E.2d 553 (1988). While not automatic, the exclusionary rule
17 operates as a judicially created remedy designed to safeguard against future violations of Fourth
18 Amendment rights through the rule's general deterrent effect. *See U.S. v. Leon*, 468 U.S. 897;
19 *U.S. v. Calandra*, 414 U.S. 338; *Arizona v. Evans*, 514 U.S. 1 (1995). Here the conduct
20 complained of was by the arresting officer himself and the application of the exclusionary rule is
21 strongest under any analysis. Accordingly, the Defendant moves to suppress the evidence
22 obtained as a result of his wrongful seizure or in the alternative, for a hearing to establish those
23 additional facts to support exclusion.

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

CONCLUSION

DATED this 18th day of March, 2016.

/s/ T. Augustus Claus
T. AUGUSTUS CLAUS, ESQ.
Nevada Bar #010004
LEGAL RESOURCE GROUP, LLC

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of **LEGAL RESOURCE**
3 **GROUP, LLC.**, and that on the 18th day of March, 2016, I caused the MOTION TO
4 SUPPRESS EVIDENCE OBTAINED AS RESULT OF ILLEGAL STOP to be served as
5 follows:

6 ☐ by placing a true and correct copy of the same to be deposited for mailing in the
7 U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first
class postage was fully prepaid; and/or

8 ☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or

9 ☐ by hand delivery via runner

10 ☒ via electronic service

11 to the attorneys listed below:
12

13 DISTRICT ATTORNEY'S OFFICE
14 Clark County District Attorney
200 South Lewis Avenue
Las Vegas, Nevada 89155
15 pdmotions@clarkcountyda.com

16 /s/ Tobi Caperon
17 An Employee of the Legal Resource Group, LLC.
18
19
20
21
22
23

LVMPD - COMMUNICATION CENTER
EVENT SEARCH

HEREBY CERTIFY that this is a full, true
and correct copy of the original on file with
the Las Vegas Metropolitan Police Department,
except for the information that is privileged
and confidential by law

RESEARCH ASSISTANT Communications Bureau

EVT : LLV140202000525
LOC : STAR MART
ADDR: 5001 N RAINBOW BLVD
CADD: 5001 N RAINBOW BLV
MAP : 0171879
P/U : 1X
DATE: 2014/02/02
911: YES

TYPE: 407
BLDG:
XST : RAMP
CNAM: EMP/BRITTNEY SLATHER
S/B : X4
OFF1: 8073
INIT: 02:57:07
CLSE: 09:47:53

PRI : 0
APT :
CITY : LV
CPHONE: 7026457577
SRA : B218
OFF2 :
AREA : NW
DISP : C

02:57:28	EU	INITIATED BY FRM- TO-LV14568	35	LV14568
02:57:28	CM	Original Location : STAR MART	35	LV14568
02:57:28	CM	T/L SECONDS 413 TO BIZ	35	LV14568
02:57:28	CM	Primary Event: MAIN Opened: 14/02/02 02:57	35	LV14568
02:57:41	CM	C35/ SUSP LS NB RAIN ON FOOT 0257HRS	35	LV14568
02:57:47	USAS 1X6	5001 N RAINBOW BLVD 407	16	LV14392
02:57:48	EU 1X6	PU FRM- TO-LV/1X6	16	LV14392
02:58:10	USER 1X6	5001 N RAINBOW BLVD 407	00	LV13357
02:58:21	CM	C35/ BMA/30-35 YO, 6'0, THIN BLD, GRV/BRN SPOTTED BEANIE, BLK SWTSHT,	35	LV14568
02:58:21	CM	UNK COL PNTS 0258HRS	35	LV14568
02:58:30	USAS 1V5	5001 N RAINBOW BLVD 407	16	LV14392
02:58:30	USAS 1V12	5001 N RAINBOW BLVD 407	16	LV14392
02:58:30	USAS 757	5001 N RAINBOW BLVD 407	16	LV14392
02:58:35	USER 1V12	5001 N RAINBOW BLVD 407	00	LV14082
02:58:38	USER 1V5	5001 N RAINBOW BLVD 407	00	LV14302
02:58:45	CM	C35/ NEG 408/446, 413 WAS BLK REVOLVER HANDGUN 0258HRS	35	LV14568
02:59:11	CM	SEE #0526 407A FRM BIZ	16	LV14392
02:59:20	USER 1V5	5001 N RAINBOW BLVD 407	00	LV14302
02:59:36	CM	C35/ TOLD SUSP SHE COULDN'T OPEN REGISTER // TOOK 2 PACKS OF	35	LV14568
02:59:36	CM	NEWPORT 100 CIGARETTES AND 1 PACK GUM // NEG INJS- REF MED 0259HRS	35	LV14568
02:59:42	EU 1X6	CN FRM-STAR MART TO-EMP/BRITTNEY SLATHER	35	LV14568
02:59:44	CM	9/ANSEC, DAY ROBBERY AI 0259	09	LV4866
03:00:18	CM	C35/ HAS SEEN SUSP IN BIZ BEFORE 0300HRS	35	LV14568
03:00:35	USAS 1X5	5001 N RAINBOW BLVD 407	16	LV14392
03:00:47	CM	C35/ PR REF TO STAY LL // WILL CALL MGR TO BE ENR TO SEE IF SHE CAN PULL	35	LV14568
03:00:47	CM	VIDEO 0300HRS	35	LV14568
03:03:12	UR 1X5	Reassign: 407 LLV140202000538	16	LV14392
03:04:59	UR 757	Reassign: 407 LLV140202000538	16	LV14392
03:05:16	UR 1V5	Reassign: 407 LLV140202000538	16	LV14392
03:08:32	USAS 1X	5001 N RAINBOW BLVD 407	16	LV14392
03:08:32	USAS 1X7	5001 N RAINBOW BLVD 407	16	LV14392
03:08:36	UR 1X7	Reassign: 407 LLV140202000538	16	LV14392
03:09:10	UR 1V12	Reassign: 407 LLV140202000514	16	LV14392
03:09:18	USAR 1X	5001 N RAINBOW BLVD 407	00	LV8073
03:11:19	EU 1X	PU FRM-LV/1X6 TO-LV/1X	16	LV14392
03:11:27	CM	1X6: MIRANDA READ TO SPLOND, KENYA DOB AT 0308 HOURS	00	LV13357
03:11:46	USAS 1V12	5001 N RAINBOW BLVD 407	16	LV14392
03:12:57	UR 1X6	Reassign: 407 LLV140202000538	16	LV14392
03:18:19	CM	1X ENR FOR SHOW UP 0318HRS	16	LV14392
03:19:49	CM	1X SHOW UP IS POSITIVE 0319HRS	16	LV14392
03:20:12	CM	1X NEG ON FEM 0320HRS	16	LV14392
03:20:38	USAR 1V12	5001 N RAINBOW BLVD 407	00	LV14082

DECLARATION OF ARREST

"Click here to add/edit Event# and ID# on all pages"

Event #: 140202-0525
I.D. #: 1138461

"PRINT"

True Name: Splond, Kenny Date of Arrest: 2-2-14 Time of Arrest: 0330

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

Prohibited person in possession of a firearm

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of 4 years 7 months.

That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the offense(s) of AWDW, Robbery w/deadly weapon, Conspiracy to commit Robbery, Possession of Stolen Firearm at the location of 5001 N. Rainbow BLVD, and that the offense(s) occurred at approximately 0257 hours on the 2nd day of February, 2014, in the:

☐ County of Clark

☒ City of Las Vegas

DETAILS FOR PROBABLE CAUSE:

On 2-2-14 I Officer J. Rowberry P#13894 assigned myself to a Robbery at 5001 N. Rainbow Las Vegas, NV 89130. The details of the call stated that a black male entered the store, approached the counter with a pack of Wrigley's Spearmint Gum and asked for two packs of New Port 100 cigarettes. While at the counter the black male adult produced a black revolver and pointed it at the clerk with the revolver in his right and at waist level pointing it at the clerk demanding the money in the register. The clerk stated that she could not open the register without making a sale and then the black male stated "you're lucky to be alive and I'll be back". The black male became enraged and placed the revolver back into his hoodie pocket and kept it leveled at Slather. The male repeatedly barked at Slather, "You are going to die, you dumb white bitch! The male then stated, " Give me all the money or your life is over!" The black male was last seen running out of the store north bound down Rainbow wearing a black hooded sweatshirt and a multi colored beanie.

I arrived in the area and observed a silver 4 door sedan pull out on to Rainbow from Rancho Santa Fe Dr. leaving the area. The vehicle was now traveling northbound Rainbow and turned into a housing development off of Sea Poppy Ln. I conducted a vehicle stop on the vehicle bearing NV-438VFU at the intersection of Fruit Flower/ Flora Spray for extreme damage to the rear of the vehicle and for leaving area of the Robbery. I approached the vehicle and observed a black female driver, while at the back of the vehicle I asked the driver to roll the back window down and that's when I

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Declarant must sign all page(s)
with an original signature.

J. Rowberry

Print Declarant's Name

Declarant's Signature

P#

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

Event #: 140202-0525

ID#: 1138461

observed a black male laying down in the back seat hiding under a blanket and breathing very heavily. I drew out my firearm, asked the dispatcher for a code red due to the male in the back seat not listening to verbal commands. Responding units arrived and both subjects were taken into custody. The male was identified as Splond,, Kenny DOB 11-14-72 and the female as Chapman, Kellie DOB 12-17-81. Officer C. Ralyea P# 13357 read Miranda to Splond at 0308 hours on the 2nd of February 2014. Officer Ralyea conducted a records check on Splond which reviled Splond to have warrants out of the County. I made contact with Chapman and read Miranda at 0300 hours on the 2nd of February 2014. When I asked Chapman if she understood her rights she replied "yes". I asked Chapman what they were doing in the area and she stated that she was taking her boyfriend to Centennial Hospital. When I asked Chapman where she was coming from she stated "I just picked up my boyfriend up on Sahara and I'm taking him to the hospital". Officer Ralyea asked Splond what they were doing in the area and he stated "we were at the Santa Fe Hotel because I needed to use the restroom". Officer J. Landers P# 8073 responded to the scene and made contact with the clerk Slathar, Brittany. Officer Landers then responded to the vehicle stop with Slathar to conduct a show up which was a 100% positive match on the male (Splond) and 0% negative on the female (Chapman). The vehicle was photographed by Officer A. Brumaghin before I conducted a vehicle search on the vehicle after Splond was positively identified as the suspect and at the time of the vehicle stop, the vehicle was occupied and mobile. In plain view I observed two packs of Newport Cigarettes and a pack of Wrigley's spearmint gum on the driver's seat. In the back seat where Splond was I located a black hooded sweatshirt on the floor and inside the sweatshirt was a black revolver which was recovered. The revolver was Colt 38 serial # 941609 which returned stolen ORI/NV0020201, OCA/131030019064, MIC/G713067641. The two packs of Newport cigarette's and the Wrigley's gum were released back to the store with one pack of cigarettes opened but nothing missing. I asked Splond about the revolver that was found in the black sweater and he stated that "the sweater is mine, I wore it all day" I asked again about the revolver and Splond replied "I don't know, just take me to jail". While talking to Splond I observed black fuzz on his red shirt caused from wearing his black hooded sweatshirt.

The vehicle was Pontiac Grand Am and the license plate bearing NV-438VFU was returning to Hyundai with no current registration. The Grand Am with Vin #2G2WP552561167274 returned showing the R/O as Chapman, Kellie. Officer A. Brumaghin P# 13756 asked Chapman why the plate was on the vehicle and she stated "I don't know anything about that". The vehicle was towed by Ewing Bros. for safe keeping. Splond, Kenny was arrested for AWDW, Robbery w/

Declarant must sign all page(s)
with an original signature.

J. Rowberry

Print Declarant's Name

Declarant's Signature

P#

Codef B

Page <u>1</u> of <u>1</u>		LAS VEGAS METROPOLITAN POLICE DEPARTMENT TEMPORARY CUSTODY RECORD		I.D. #: <u>1681308</u> Event #: <u>140202-0525</u>	
DATE OF ARREST: <u>2/2/14</u> TIME OF ARREST: <u>0330</u>		I.D. ESTAB. BY: <u>SCOPE</u>			
INTAKE NAME (AKA, ALIAS, ETC.)		Last	First	Middle	TRUE NAME
<u>CHAPMAN KELLIE ERIN</u>					<u>Chapman Kellie Erin</u>
ADDRESS		BLOG/APT. #		CITY	STATE
<u>3200 MCLEOD</u>		<u>176</u>		<u>LV</u>	<u>NV</u>
DATE OF BIRTH	RACE	SEX	HEIGHT	WEIGHT	HAIR
<u>12/17/81</u>	<u>B</u>	<u>F</u>	<u>5'5</u>	<u>120</u>	<u>BLK</u>
EYES		SOCIAL SECURITY #		Speak English?	
<u>BRN</u>		<u>-</u>		<u>Yes</u> <input checked="" type="checkbox"/> <u>No</u> <input type="checkbox"/>	
LOCATION OF CRIME (# - Street - City - State - Zip)		Citizen Arrest		LOCATION OF ARREST	
<u>5001 N RAINBOW LV NV 89030</u>		<u>Y</u> <input checked="" type="checkbox"/> <u>N</u> <input type="checkbox"/>		<u>FRUIT FLOWER/FLORASPRAY</u>	
BKG. CODE	CHARGE	ORD / NRS #	M	GM	F
<u>50147</u>	<u>CONSPIRACY TO COMMIT ROBBERY</u>	<u>1200.380 \$20,000</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ARREST TYPE: <u>BS</u> PROBABLE CAUSE <u>BS</u> - BONDSMAN SURRENDER <u>BW</u> - BENCH WARRANT <u>WA</u> - WARRANT <u>RM</u> - REMAND <u>GJI</u> - GRAND JURY IND.		WARR / NCIC NUMBER		COURT	
				LV JC DC OTHER	
				<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
ARRESTING OFFICER'S SIGNATURE		(Print Name)	P #	Agency	
<u>[Signature]</u>		<u>15 ROWBERAY / 13894 / LUMP</u>	<u>1</u>	<u>SA</u>	
TRANSPORTING OFFICER'S SIGNATURE		(Print Name)	P #	Agency	
Time Stamp at BOOKING		OFFICER MUST SIGN SECOND PAGE WITH ORIGINAL SIGNATURE.			
<u>02-02-14 09:36 DSD RECORDS</u>					
P #:		PHOTO			

14189 11 R70

1 INST

2 ORIGINAL

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

MAR 24 2016

11:13 AM

4 BY 
DULCE MARIE ROMEA, DEPUTY

6 DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,)

9 Plaintiff,)

CASE NO: C-14-296374-1

10 -VS-)

DEPT NO: XI

11 KENNY SPLOND,)

12 Defendant.)
13
14

15 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

16 MEMBERS OF THE JURY:

17 It is now my duty as judge to instruct you in the law that applies to this case. It is
18 your duty as jurors to follow these instructions and to apply the rules of law to the facts as
19 you find them from the evidence.

20 You must not be concerned with the wisdom of any rule of law stated in these
21 instructions. Regardless of any opinion you may have as to what the law ought to be, it
22 would be a violation of your oath to base a verdict upon any other view of the law than that
23 given in the instructions of the Court.
24
25
26
27
28

C-14-296374-1
INST
Instructions to the Jury
4534079



000194

AA000161

32

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

The order in which the instructions are given has no significance as to their relative importance.

An Indictment is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Amended Indictment that the Defendant, KENNY SPLOND aka Kenya Splond, committed the crimes of CONSPIRACY TO COMMIT ROBBERY, BURGLARY WHILE IN POSSESSION OF A FIREARM, ROBBERY WITH USE OF A FIREARM, and POSSESSION OF STOLEN PROPERTY. It is the duty of the jury to apply the rules of law contained in these instructions to the facts of the case and determine whether or not the Defendant is guilty of one or more of the offenses charged.

COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

Defendant KENNY SPLOND, aka, Kenya Splond and Co-Conspirator KELLIE ERIN CHAPMAN did on or about February 2, 2014 did meet with each other and between themselves, and each of them with the other, wilfully, unlawfully, and feloniously conspire with each other to commit a robbery, by the Defendant committing the acts as set forth in Count 2 and 3, said acts being incorporated by this reference as though fully set forth herein.

COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

Defendants KENNY SPLOND, aka, Kenya Splond and Co-Conspirator KELLIE ERIN CHAPMAN did then and there wilfully, unlawfully, and feloniously enter, with intent to commit robbery, that certain building occupied by STAR MART, located at 5001 North Rainbow, Las Vegas, Clark County, Nevada, said Defendant did possess and/or gain possession of a firearm during the commission of the crime and/or before leaving the structure, to wit: (1) by directly committing this crime and /or (2) by aiding and abetting in the commission of this crime, with the intent that this crime be committed, by providing counsel and/or encouragement and by entering into a course of conduct whereby Defendant KENNY SPLOND, aka, Kenya Splond entered Star Mart, located at 5001 N. Rainbow Boulevard, Las Vegas, Clark County, Nevada with a firearm and demanded money and/or cigarettes and/or gum from BRITTANY SLATHAR and took cigarettes and/or gum while Co-Conspirator KELLIE CHAPMAN provided Defendant KENNY SPLOND, aka, Kenya

1 Splond transportation to the Star Mart prior to the robbery and/or acted as a getaway driver
2 and/or look-out and both Defendants fled the scene together and/or (3) pursuant to a
3 conspiracy to commit this crime.

4 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

5 Defendants KENNY SPLOND, aka, Kenya Splond and Co-Conspirator KELLIE
6 ERIN CHAPMAN did then and there wilfully, unlawfully, and feloniously take personal
7 property, to-wit: cigarettes and gum, from the person of BRITTANY SLATHAR, or in her
8 presence, by means of force or violence, or fear of injury to, and without the consent and
9 against the will of BRITTANY SLATHAR, with use of a deadly weapon, to-wit: a handgun,
10 to wit: (1) by directly committing this crime and /or (2) by aiding and abetting in the
11 commission of this crime, with the intent that this crime be committed, by providing counsel
12 and/or encouragement and by entering into a course of conduct whereby Defendant KENYA
13 SPLOND entered Star Mart, located at 5001 N. Rainbow Boulevard, Las Vegas, Clark
14 County, Nevada with a firearm and demanded money and/or cigarettes and/or gum from
15 BRITTANY SLATHAR and took cigarettes and/or gum while Co-Conspirator KELLIE
16 CHAPMAN provided Defendant KENNY SPLOND, aka, Kenya Splond transportation to
17 the Star Mart prior to the robbery and/or acted as a getaway driver and/or look-out and both
18 Defendants fled the scene together and/or (3) pursuant to a conspiracy to commit this crime.

19 COUNT 4 - POSSESSION OF STOLEN PROPERTY

20 Defendant KENNY SPLOND, aka, Kenya Splond did, wilfully, unlawfully, and
21 feloniously for his own gain, possess property wrongfully taken from JEFFREY BRUCE
22 HABERMAN, to-wit: Colt 38 revolver serial# 941609, which Defendant knew, or had
23 reason to believe, had been stolen.

24 COUNT 5 - BURGLARY WHILE IN POSSESSION OF A FIREARM

25 Defendant KENNY SPLOND, aka, Kenya Splond did, on or about January 22, 2014,
26 then and there wilfully, unlawfully, and feloniously enter, with intent to commit robbery,
27 that certain building occupied by SAMUEL ECHEVERRIA, located at 4343 North Rancho
28 Drive, Apartment No. 104, Las Vegas, Clark County, Nevada, said Defendant did possess

1 and/or gain possession of a firearm during the commission of the crime and/or before leaving
2 the structure.

3 COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON

4 Defendant KENNY SPLOND, aka, Kenya Splond did, on or about January 22, 2014,
5 wilfully, unlawfully, and feloniously take personal property, to-wit: lawful money of the
6 United States, from the person of SAMUEL ECHEVERRIA, or in his presence, by means of
7 force or violence, or fear of injury to, and without the consent and against the will of
8 SAMUEL ECHEVERRIA, with use of a deadly weapon, to-wit: a handgun.

9 COUNT 7 - BURGLARY WHILE IN POSSESSION OF A FIREARM

10 Defendant KENNY SPLOND, aka, Kenya Splond did, on or about January 28, 2014,
11 then and there wilfully, unlawfully, and feloniously enter, with intent to commit robbery,
12 that certain building occupied by GRACIELA ANGELES, located at 6663 Smoke Ranch
13 Road, Las Vegas, Clark County, Nevada, said Defendant did possess and/or gain possession
14 of a firearm during the commission of the crime and/or before leaving the structure.

15 COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON

16 Defendant KENNY SPLOND, aka, Kenya Splond did, on or about January 28, 2014
17 wilfully, unlawfully, and feloniously take personal property, to-wit: lawful money of the
18 United States, from the person of GRACIELA ANGELES, or in her presence, by means of
19 force or violence, or fear of injury to, and without the consent and against the will of
20 GRACIELA ANGELES, with use of a deadly weapon, to-wit: a handgun.

21 It is the duty of the jury to apply the rules of law contained in these instructions to the
22 facts of the case and determine whether or not the State has met its burden beyond a
23 reasonable doubt as to whether any Defendant is guilty of any of the offense(s) charged.
24 Each charge and the evidence pertaining to it should be considered separately. The fact that
25 you may find a defendant guilty or not guilty as to one of the offenses charged should not
26 control your verdict as to any other offense charged.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 5

In your deliberations as to whether the State has met its burden beyond a reasonable doubt, the subject of penalty or punishment is not to be discussed or considered by you and should in no way influence your verdict.

INSTRUCTION NO. 60

You are here to determine whether the State of Nevada has met its burden of proof as to the Defendant from the evidence in the case. You are not called upon to return a verdict as to any other person other than the named Defendant in this matter. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence: direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict. It is up to you to determine the weight to be given any evidence. Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

The Defendant is presumed innocent unless the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense or offenses.

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

If you have a reasonable doubt as to the guilt of the Defendant, the Defendant is entitled to a verdict of not guilty.

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

Every person who, by day or night, enters any building with the specific intent to commit robbery therein, is guilty of Burglary. Robbery is defined in the instructions that follow.

It is not necessary that the State prove the defendant actually committed a crime inside the building after he entered in order for you to find him guilty of burglary. The essence of the crime of burglary is the unlawful entry with criminal intent to commit one or more of the enumerated crimes.

Consent to enter is not a defense to the crime of burglary so long as it is shown that entry was made with the specific intent to commit one or more of the enumerated crimes therein. Force or a "breaking in" is not an element of the crime.

Every person who, in the commission of a burglary commits any other crime, may be prosecuted for each crime separately.

INSTRUCTION NO. 13

Every person who commits the crime of burglary who has in his possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure, or upon leaving the structure, is guilty of burglary while in possession of a deadly weapon.

INSTRUCTION NO. 14

You are instructed that if you find a Defendant guilty of Burglary, you must also determine whether or not a deadly weapon was used in the commission of this crime.

000209

AA000176

"Deadly weapon" means any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death; any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

You are instructed that a firearm is a deadly weapon.

INSTRUCTION NO. 16

In order to "use" a deadly weapon, there need not be conduct which actually produces harm but only conduct which produces a fear of harm or force by means or display of the deadly weapon in aiding the commission of the crime.

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

INSTRUCTION NO. 17

Any person who conspires to commit Robbery is guilty of Conspiracy to Commit Robbery.

000212

AA000179

Robbery is the unlawful taking of personal property from the person of another, or in his presence, against his will, by means of force or violence or fear of injury, immediate or future, to his person or property, or the person or property of a member of his family, or of anyone in his company at the time of the robbery. Such force or fear must be used to:

1. Obtain or retain possession of the property,
2. To prevent or overcome resistance to the taking of the property, or
3. To facilitate escape with the property.

In any case the degree of force is immaterial if used to compel acquiescence to the taking of or escaping with the property. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

The value of property or money taken is not an element of the crime of Robbery, and it is only necessary that the State prove the taking of some property or money.

Personal property is "in the presence" of a person, in respect to robbery, when it is within the person's reach, inspection, observation or control, and the person could, if not prevented by intimidation or threat of violence, retain possession of the property.

INSTRUCTION NO. 19

You are instructed that if you find a Defendant guilty of Robbery, you must also determine whether or not a deadly weapon was used in the commission of this crime.

000214

AA000181

Conspiracy is an agreement or mutual understanding between two or more persons to commit a crime. To be guilty of conspiracy, a defendant must intend to commit, or to aid in the commission of the specific crime agreed to. The crime is the agreement to do something unlawful; it does not matter whether it was successful or not. It is not necessary in proving a conspiracy to show a meeting of the alleged conspirators or the making of an express or formal agreement. The formation and existence of a conspiracy may be inferred from all circumstances tending to show the common intent and may be proved in the same way as any other fact may be proved, either by direct testimony of the fact or by circumstantial evidence, or by both direct and circumstantial evidence.

A conspiracy to commit a crime does not end upon the completion of the crime. The conspiracy continues until the co-conspirators have successfully gotten away and concealed the crime. However, in order to find the defendant criminally liable for acts of another conspirator, pursuant to a conspiracy to the crimes of Burglary While in Possession of a Deadly Weapon you must find that the defendant possessed the specific intent to commit that specific crime.

Absent an agreement to cooperate in achieving the purpose of a conspiracy, mere knowledge of and acquiescence in or approval of that purpose does not make one a party to conspiracy.

1
2 Evidence was introduced by the State of other crimes that the Defendant is not
3 charged with. Evidence that someone committed a burglary at the home of Mr. Haberman,
4 was not received and may not be considered by you to prove that Defendant had any
5 involvement in that burglary. Such information was received and may be considered by you
6 only for the limited purpose of proving the weapon was stolen. That information cannot be
7 used by you in determining the guilt of the Defendant in this case. You must weigh this
8 evidence in the same manner as you do all other evidence in the case.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Any person who possesses a stolen firearm and either knows the firearm is stolen or possesses the firearm under such circumstances as should have caused a reasonable person to know the firearm is stolen, is guilty of Possession of Stolen Property.

INSTRUCTION NO. 24

Your verdict must be unanimous as to each charge. You do not have to be unanimous on the principle of criminal liability. It is sufficient that each of you find beyond a reasonable doubt that the defendant committed the charged crime.

1
2 The flight of a person after the commission of a crime is not sufficient in itself to
3 establish guilt; however, if flight is proved, it is circumstantial evidence in determining guilt
4 or innocence. Before considering flight, however, you must be convinced that the defendant
5 was the person who fled the scene of the crime.

6 The essence of flight embodies the idea of deliberately going away with
7 consciousness of guilt and for the purpose of avoiding apprehension or prosecution. The
8 weight to which such circumstance is entitled is a matter for the jury to determine.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his or her opinion as to any matter in which he or she is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

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

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

INSTRUCTION NO. 28

When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

1
2 If it becomes necessary during your deliberations to communicate with me, you may
3 send a note through the marshal, signed by the foreperson you have selected or by one or
4 more members of the jury. No member of the jury should ever attempt to communicate with
5 me except by a signed writing, and I will communicate with any member of the jury on
6 anything concerning the case only in writing, or here in open court.

7 If you send out a question, I will consult with the parties before answering, which
8 may take some time. You may continue your deliberation while waiting for the answer to
9 my question. Remember that you are not to tell anyone, including me, how the jury stands,
10 numerically or otherwise, until after you have reached a verdict or have been discharged. Do
11 not disclose any vote count in any note to the Court.

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between each Defendant and the State of Nevada.

GIVEN: 

DISTRICT JUDGE

MAR 24 2016
11:13 AM

BY, 
DULCE MARIE ROMEA, DEPUTY

ORIGINAL

VER

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

KENNY SPLOND,

Defendant.

CASE NO: C-14-296374-1

DEPT NO: XI

VERDICT

We, the jury in the above entitled case, find the KENNY SPLOND, as follows:

COUNT 1 – CONSPIRACY TO COMMIT ROBBERY, *(please check the appropriate box, select only one)*

- ☒ Guilty of Conspiracy to Commit Robbery
☐ Not Guilty

COUNT 2 – BURGLARY WHILE IN POSSESSION OF A FIREARM, (Star Mart on 5001 Rainbow) *(please check the appropriate box, select only one)*

- ☒ Guilty of Burglary While in Possession of a Firearm
☐ Guilty of Burglary
☐ Not Guilty

///
///
///

C-14-296374-1
VER
Verdict
4534080



000226

AA000193

COUNT 3 – ROBBERY WITH USE OF A DEADLY WEAPON, (Victim Brittany Slathar) *(please check the appropriate box, select only one)*

☒ Guilty of Robbery with Use of a Deadly Weapon

☐ Guilty of Robbery

☐ Not Guilty

COUNT 4 – POSSESSION OF STOLEN PROPERTY

☒ Guilty of Possession of Stolen Property

☐ Not Guilty

COUNT 5 – BURGLARY WHILE IN POSSESSION OF A FIREARM, (Cricket on North Rancho) *(please check the appropriate box, select only one)*

☒ Guilty of Burglary While in Possession of a Firearm

☐ Guilty of Burglary

☐ Not Guilty

COUNT 6 – ROBBERY WITH USE OF A DEADLY WEAPON, (Victim Samuel Echeverria) *(please check the appropriate box, select only one)*

☒ Guilty of Robbery with Use of a Deadly Weapon

☐ Guilty of Robbery

☐ Not Guilty

COUNT 7 – BURGLARY WHILE IN POSSESSION OF A FIREARM, (Metro PCS on Smoke Ranch) *(please check the appropriate box, select only one)*

☒ Guilty of Burglary While in Possession of a Firearm

☐ Guilty of Burglary

☐ Not Guilty

///

///

///

///

///

000227

AA000194

COUNT 8 – ROBBERY WITH USE OF A DEADLY WEAPON, (Victim Graciela Angeles) *(please check the appropriate box, select only one)*

☒ Guilty of Robbery with Use of a Deadly Weapon

☐ Guilty of Robbery☐ Not Guilty

DATED this 24 day of March, 2016.

Patricia A. Amico
FOREPERSON


CLERK OF THE COURT

MOT

T. AUGUSTUS CLAUS, ESQ.
LEGAL RESOURCE GROUP, LLC.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
(702) 463-4900 Phone
(702) 463-4800 Fax
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: C-14-296374-1

KENYA SPLOND,
#1138461

Dept. No.: 11

Defendants,

MOTION TO COMPEL PRODUCTION OF SUBPOENAED MATERIALS

COMES NOW the Defendant KENYA SPLOND, by and through his attorney, T. AUGUSTUS CLAUS, Esq., of the law firm Legal Resource Group LLC., and hereby moves this Honorable Court for an Order Compelling the Production of Subpoenaed Materials from the Department of Parole and Probation. To the extent any evidence is not ordered to be produced, Splond requests an order that it be preserved.

DATED this 20th day of December, 2016.

LEGAL RESOURCE GROUP, LLC

/s/ T. Augustus Claus

T. AUGUSTUS CLAUS, ESQ.
LEGAL RESOURCE GROUP, LLC
Attorney for Defendant

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

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department 8, on January 2017 the 4 day of ~~December, 2016~~, at the hour of 9:00a.m., or as soon thereafter as counsel may be heard.

DATED this 20th day of December, 2016.

LEGAL RESOURCE GROUP, LLC.

/s/ T. Augustus Claus
T. AUGUSTUS CLAUS, ESQ.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074
(702)463-4900 Phone
(702)463-4800 Fax
Attorney for Defendant

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **STATEMENT OF FACTS**

4 Kenya Splond is currently awaiting sentencing in this case. As part of the sentencing
5 process a Presentence Investigation Report (hereinafter “PSI”) was prepared for Mr. Splond on
6 May 9th, 2016 (PSI #1) by the Division of Parole and Probation (hereinafter “P&P”). A
7 subsequent PSI was created on June 30th, 2016 (PSI #2). The differences in PSI #1 and PSI #2
8 include:

- 9
- PSI #1 recommended Count 2 be served concurrent with Count 1. PSI #2 recommended consecutive time.
 - 10 • PSI #1 recommended Count 7 be served concurrent with Count 6. PSI #2 recommended consecutive time.
 - 11 • PSI #1 recommended Count 8 be served concurrent with Count 7. PSI #2 recommended consecutive time.
 - 12 • PSI #1 has a longer (and apparently inaccurate) criminal history, that is corrected in PSI #2.
- 13

14 There are no additional charges that were filed, or have been filed, against Mr. Splond
15 from the writing of PSI #1 to PSI #2. There are no new facts that came to light, no new
16 information available. However, Mr. Splond did object to the contents of PSI #1, both in terms
17 of prior criminal history and gang affiliation.¹ In essence then, the question that Mr. Splond
18 desires to have answered is “Why the increased recommended penalty?” To that end, Mr. Splond
19 sent a subpoena to P&P requesting:

20

21 ¹ It appears that PSI #2 acknowledges that Mr. Splond’s gang affiliation is incorrect, but it is still included:

22 “Mr. Splond denied any gang involvement; however, according to
information obtained from the Las Vegas Metropolitan Police
Department, the defendant is a member of the “Rollin 60s Crips”.

23 **A booking photograph of Mr. Splond at time of classification
as a gang member is the defendant brother.”**

PSI pg. 3 (emphasis added).

1 “1. Parole and Probation PSI Score Sheet for Defendant
2 Kenya Splond in this matter.

3 2. Documentation, including communications, relating to
4 the changes made in Defendant Kenya Splond's PSI from the May
5 9th, 2016 version to the June 30th 2016 version specifically relating
6 to:

- 7 a. Gang Activity/ Affiliation (including documents
8 evidencing Splond's purported Crips membership)
- 9 b. X. RECOMMENDATIONS (including documents
10 evidencing the change to consecutive treatment for counts
11 2, 7 and 8).”

12 See Exhibit A, SDT to P&P. P&P responded to the request for documents by sending only the
13 PSI scoring sheet, which appears to have been created on October 27th, 2016 (neither the date of
14 PSI #1 or #2), with no additional information supporting the changes from PSI #1 to PSI #2. See
15 Exhibit B, P&P Response. Splond seeks an order to compel the production of the documents
16 relevant to the request above which P&P has heretofore failed to produce.

17 II.

18 LEGAL ARGUMENT

19 Just as a defendant’s characteristics may be relevant in mitigation of a sentence, “... so
20 too are characteristics of the victim relevant to the factfinder’s sentencing decision.” Sherman v.
21 State, 114 Nev. 998, 1013 (Nev. 1998). There are circumscriptions on the sentencer’s areas of
22 inquiry and certain areas, such as victim impact statements submitted by the State, must be
23 handled with care to avoid violating a defendant’s constitutional rights. United States v.
Borrero-Isaza, 887 F.2d 1349, 1352 (9th Cir. 1989), citing United States v. Tucker, 404 U.S. 443,
446-47 (1972); see also, Buschauer v. State, 106 Nev. 890 (Nev. 1990). However, a sentencing
judge may consider a “... wide, largely unlimited variety of information to insure that the
punishment fits not only the crime, but also the individual defendant.” Martinez v. State, 114

1 Nev. 735, 738 (Nev. 1998). As such, it is the Defendant's right and the Court's obligation to
2 hear evidence in mitigation of the Defendant's sentence, as proposed herein.

3 On the other hand, the Court is not permitted to consider impalpable and highly suspect
4 evidence. Goodson v. State, 98 Nev. 493, 495-96, 654 P.2d 1006, 1007(1982). Material
5 information is "unreliable" if it "lacks 'some minimal indicium of reliability beyond mere
6 allegation.'" United States v. Ibarra, 737 F.2d 825, 827 (9th Cir. 1984) quoting United States v.
7 Baylin, 696 F.2d 1030, 1040 (3rd Cir. 1982). Moreover, while a district court has wide latitude in
8 considering evidence, "...the district court must refrain from punishing a defendant for prior
9 uncharged crimes." Denson v. State, 112 Nev. 489, 494 (Nev. 1996); citing Sheriff v. Morfin,
10 107 Nev. 557, 561, 816 P.2d 453, 455 (1991); see also Riker v. State, 111 Nev. 1316, 1326-27,
11 905 P.2d 706, 712-13 (1995).

12 Under the Stockmeier opinion, even though there is no defined process for resolving
13 objections to a PSI, a defendant must object to his PSI at the time of sentencing. Id. at 213-214.
14 Stockmeier requires that the defendant not only object to disputed factual statements that affect
15 his sentence, but he must also object to "...any significant inaccuracy [which] could follow a
16 defendant into the prison system and be used to determine his classification, placement in certain
17 programs, and eligibility for parole..." Stockmeier v. State, Bd. of Parole Com'rs, 255 P.3d 209,
18 214 (Nev. 2011). Stockmeier concludes that "...thus, the defendant must promptly seek to
19 correct any alleged inaccuracies to prevent the Department of Corrections from relying on a PSI
20 that could not later be changed." Stockmeier v. State, Bd. of Parole Com'rs, 255 P.3d 209, 214
21 (Nev. 2011); See NRS 176.159(1); see also United States Dept. of Justice v. Julian, 486 U.S. 1,
22 5-6, 108 S.Ct. 1606, 100 L.Ed.2d 1 (1988). However, the Stockmeier opinion also makes it
23 clear that the Division of Parole and Probation has statutory duties in regards to the defendant's

1 PSI, demarked by the citation “See generally NRS 176.133–.159; NRS 213.1071–.1078; NRS
2 213.1092–.10988.” Stockmeier v. State, Bd. of Parole Com'rs, 255 P.3d 209, 213 (Nev. 2011).

3 Contained within the Nevada Supreme Court’s citations in Stockmeier is the requirement that:

4 “The Chief Parole and Probation Officer shall adopt by regulation
5 standards to assist him or her in formulating a recommendation
6 regarding the granting of probation or the revocation of parole or
7 probation to a convicted person who is otherwise eligible for or on
8 probation or parole. **The standards must be based upon
objective criteria for determining the person's probability of
success on parole or probation.**”

9 Nev. Rev. Stat. Ann. § 213.10988 (2011) (emphasis added). This statutory duty is
10 reflected in NAC 213.590 and in the Probation Success Probability form adopted by the Division
11 of Parole and probation. See Nev. Admin. Code §213.590 (2011). The numerical scoring from
12 the Probation Success Probability form is then used on the Sentence Recommendation Selection
13 Scale (“SRSS”) form, resulting in a term of incarceration or recommendation of probation. See
14 Nev. Admin. Code § 213.600. While the form itself provides for scoring deviation, that
15 deviation must be explained from results reached by using the **objective** standards provided for
16 under NAC 213.590.

17 A sentence based upon mistaken or highly suspect information would deny Splond due
18 process under the Fourteenth Amendment. Denying a defendant’s counsel access to the
19 Divisions scoring documents and supporting documentation violates a defendant’s Sixth
20 Amendment right to effective assistance of counsel at sentencing. Splond asserts that if the
21 Division of Parole and Probation does not disclose the documents supporting its changed
22 recommendation, counsel for Splond will never know how P&P reached their new
23 recommendation and will not be able to effectively comment on that recommendation at
sentencing. Splond argues that he has a statutory right to inspect P&P’s scoring documents so

1 that his attorney can comment on P&P's recommendation at sentencing and to ensure that P&P
2 is complying with its statutory obligations. Moreover, as will likely be asserted by the State, the
3 plain language of NRS 176.156 and NRS 213.1075 do not preclude the disclosure of the
4 presentence investigation documents and given the limited nature of the documents sought and
5 the extraordinary circumstances presented here, the Court should compel production of the
6 sought after documents.

7 **III.**

8 **CONCLUSION**

9 For the foregoing reasons, Defendant asks this Honorable Court grant the above Motion, and
10 issue an order compelling the production of the sought after documents from the Division of
11 Parole and Probation.

12 DATED this 20th day of December, 2016.

13
14 LEGAL RESOURCE GROUP, LLC

15 /s/ T. Augustus Claus
16 T. AUGUSTUS CLAUS, ESQ.
Nevada Bar #010004
LEGAL RESOURCE GROUP, LLC

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of **LEGAL RESOURCE**
3 **GROUP, LLC.**, and that on the 20th day of December, 2016, I caused the MOTION TO
4 COMPEL PRODUCTION OF SUBPEONAED MATERIALS to be served as follows:

5 ☒ by placing a true and correct copy of the same to be deposited for mailing in the
6 U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first
class postage was fully prepaid (FOR AG ONLY); and/or

7 ☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or

8 ☐ by hand delivery via runner

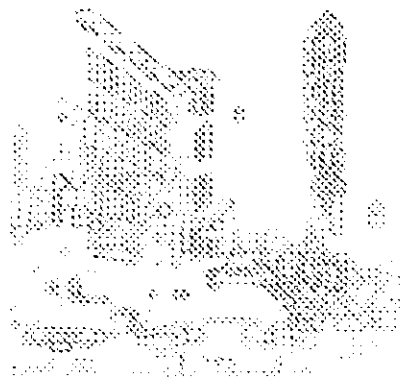
9 ☒ via electronic service

10 to the attorneys listed below:
11

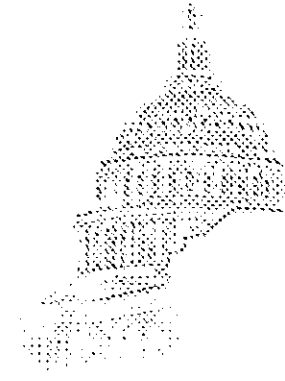
12 DISTRICT ATTORNEY'S OFFICE
Clark County District Attorney
13 200 South Lewis Avenue
Las Vegas, Nevada 89155
14 pdmotions@clarkcountyda.com

15 ATTORNEY GENERAL'S OFFICE
ADAM PAUL LAXALT
16 555 Wright Way
Carson City, Nevada 89711
17 AGinfo@ag.nv.gov

18 /s/ Tobi Caperon
19 An Employee of the Legal Resource Group, LLC.
20
21
22
23



LEGAL RESOURCE GROUP, LLC



October 24th, 2016

SENT VIA US MAIL AND FACSIMILE

Nevada Department of Public Safety- Parole & Probation
Attn: Lt. Silva
215 E. Bonanza
Las Vegas, NV 89101
Fax: 702-486-3040

Re: State of Nevada v. Kenya Splond
Case C-14-296374-1
PSI/BIN [REDACTED]

Lieutenant Silva,

Please be advised that this office represents Mr. Kenya Splond in the above-entitled case. It is our understanding that your office has completed two PSIs for this client, referenced by the BIN number above. Our office hereby requests our client's individual Sentence Recommendation Score Sheet and Probation Success Probability Score Sheet for purposes of sentencing. Additionally, we request the documentation relating to the changes made in Defendant Kenya Splond's PSI from the May 9th, 2016 version to the June 30th, 2016 version specifically relating to:

- A. Gang Activity/Affiliation (including documents evidencing Splond's purported Crips membership)
- B. X. RECOMMENDATIONS (including documents evidencing the change to consecutive treatment for counts 2,7 and 8)

It is my understanding, pursuant to statements made by the Honorable Judge Hardesty of the Nevada Supreme Court, that Parole and Probation has been cited on record in front of the Nevada Legislature and members of the Nevada Supreme Court (Advisory Committee Meeting, May 1, 2014, in Carson City) representing that these documents will be provided to defense counsel upon request.

It is imperative that our office receive these documents as soon as possible so that we can efficiently prepare for sentencing and protect our client's rights. Please see that they are sent via the most efficient means available, to the undersigned at the address, email, and/or fax number provided above.

205 N. Stephanie St., Suite D221
Henderson, NV 89074

Phone 702-463-4900 Fax 702-463-4800

229 S. Las Vegas Blvd, Suite 205
Las Vegas, NV 89101

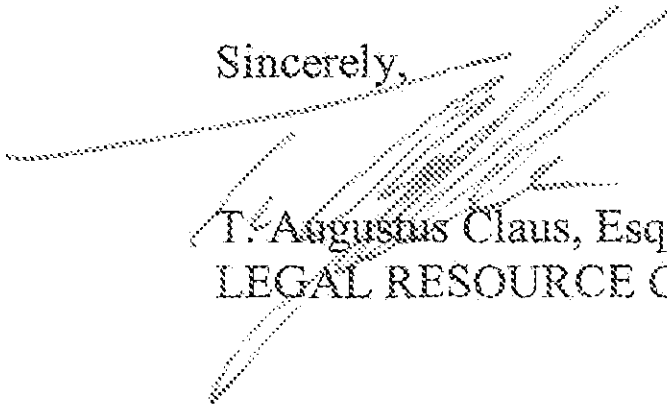
000237

AA000204

Finally, please be aware that these documents have already been subpoenaed on September 12th, 2016, receipt of which was confirmed by your staff identified as "Lisa #4821". I have included a copy of the subpoena served on Parole and Probation. Our next step will be to file a motion to compel the production of these documents.

Thank you, in advance, for your cooperation with this request.

Sincerely,



T. Augustus Claus, Esq.
LEGAL RESOURCE GROUP, LLC

Attachment: SDT for P&P Records

SUBP

T. AUGUSTUS CLAUS, ESQ.

Nevada Bar No. 10004

LEGAL RESOURCE GROUP, LLC

229 S. Las Vegas Blvd, Suite 205

Las Vegas, NV 89101

(702)463-4900 Phone

(702)463-4800 Fax

Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

SPLOND, KENYA

ID# 1138461

Defendant.

Case No.: C-14-296374-1

Dept. No.: 11

SUBPOENA - CRIMINAL

☐ REGULAR ☒ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO:

PERSON MOST KNOWLEDGEABLE AND/OR

CUSTODIAN OF RECORDS

PAROLE AND PROBATION

215 E. Bonanza Rd.

Las Vegas, NV 89101

YOU ARE HEREBY COMMANDED that all and singular, business and personal excuses set aside, you appear and attend on the 19th day of September, 2016, at the hour of 9:00 a.m., at District Court Department 11 in the Regional Justice Center located at 200 Lewis Avenue, Las Vegas, NV 89101. Your attendance is required to authenticate and to produce and permit inspection and copying of surveillance tapes, designated books, documents or tangible things in your possession, custody or control, or to permit inspection of premises. You are required to bring with you at the time of your appearance any items set forth below in EXHIBIT A.

INSTEAD OF PERSONAL APPEARANCE, YOU MAY PRODUCE THE ITEMS REQUESTED AT LEAST TWO (2) BUSINESS DAYS BEFORE THE DATE SET FORTH IN THE SUBPOENA WITH A COMPLETELY EXECUTED AND NOTARIZED

1 AFFIDAVIT OF CUSTODIAN OF RECORDS, attached hereto as Exhibit B. As part of
2 this accommodation, please produce the items sought, together with the aforementioned
3 custodian of records affidavit to:

4 Legal Resource Group, LLC.
5 229 S. Las Vegas Blvd., Suite 205
6 Las Vegas, NV 89101

7 Please call the Legal Resource Group, LLC to confirm receipt of your materials and that your
8 compliance was sufficient to negate appearing before the District Court at 702-463-4900.

9 If you fail to attend, and/or to produce the documents requested, you may be deemed
10 guilty of contempt of Court, pursuant to NRS 174.385, and liable to pay all losses and damages
11 caused by your failure to appear. Please see the attached Exhibit A for information regarding the
12 duties of the person subject to this Subpoena.

13 CLERK OF COURT
14 ROXANA GOMEZ
15 By: _____
16 Deputy Clerk
17 Date
18 DISTRICT COURT SEAL
19 SEP 12 2016

20 Submitted by:

21 LEGAL RESOURCE GROUP, LLC.

22 By: _____
23 T. AUGUSTUS CLAUS, ESQ.
24 Nevada Bar No. 10004
25 229 S. Las Vegas Blvd, Suite 206
26 Las Vegas, NV 89101
27 Attorney for Defendant
28

EXHIBIT A

LIST OF ITEMS TO BE PRODUCED

1. Parole and Probation PSI Score Sheet for Defendant Kenya Splond in this matter.
2. Documentation, including communications, relating to the changes made in Defendant Kenya Splond's PSI from the May 9th, 2016 version to the June 30th, 2016 version specifically relating to:
 - a. Gang Activity/Affiliation (including documents evidencing Splond's purported Crips membership)
 - b. X. RECOMMENDATIONS (including documents evidencing the change to consecutive treatment for counts 2, 7 and 8)

EXHIBIT B

CERTIFICATE OF CUSTODIAN OF RECORDS

State of Nevada }
County of..... } ss.

NOW COMES, who after first being duly sworn deposes and says:

1. That the deponent is the (position or title) of (name of employer) and in his or her capacity as (position or title) is a custodian of the records of (name of employer)

2. That (name of employer) is licensed to do business as a in the State of

3. That on the day of the month of of the year, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or (name of employer)

Subscribed and sworn to before me,
a Notary Public,
on this day of the month of of the year

Notary Public County, Nevada
My appointment expires:.....

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
COUNTY OF CLARK) ss.

_____, being duly sworn says: That at all times herein affiant was over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received the Subpoena on the ____ day of _____, 2016, and served the same on the _____ day of _____, 2016 by delivering a copy to the witness at: _____

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

EXECUTED this ____ day of _____, 2016.

Signature of person making service

SUBSCRIBED AND SWORN to before me
this ____ day of _____, 2016.

NOTARY PUBLIC in and for said County and State



Division of Parole & Probation

1445 Old Hot Springs Rd, Suite 104

Carson City, NV 89706

Telephone: [REDACTED]

New Fax: [REDACTED]

From: Melinda Ridgely AAI

Custodian of Records

Command: Headquarters ~ General Services~
Records

FAX COVER SHEET

TO: T. Augustus Claus Esq

DATE: 10/27/2016

FAX#: [REDACTED]

PAGES: 7 including this cover sheet

SUBJECT: Kenya Splond

ATTENTION:

☐ Urgent☒ As Requested☐ For Review☐ As We Discussed☐ Please Comment/Recommend☐ For Your Information☐ Please Handle/Reply☐ Other

COMMENTS:

****CONFIDENTIAL****

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE AND ANY AND ALL ACCOMPANYING DOCUMENTS ARE THE PROPERTY OF THE STATE OF NEVADA, DEPARTMENT OF PUBLIC SAFETY, DIVISION OF PAROLE AND PROBATION, AND ARE PRIVILEGED AND CONFIDENTIAL. THE INFORMATION CONTAINED HEREIN IS INTENDED ONLY FOR THE USE OF THE DESIGNATED RECIPIENT NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THIS INFORMATION IS STRICTLY PROHIBITED.

IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS SHOWN ABOVE VIA THE U. S. POSTAL SERVICE. THANK YOU.

Committed to Nevada's Public Safety

000244

AA000211

Brian Sandoval
Governor



James M. Wright
Director

Natalie A. Wood
Chief

DIVISION OF PAROLE AND PROBATION

OFFICE OF THE CHIEF

1445 Old Hot Springs Road, Suite 104
Carson City, NV 89706

October 27, 2016

Dear T. Augustus Claus,

In response to the Subpoena Duces Tecum issued in Case C296374, please find attached PSI scoring documents for Defendant Kenya Splond. In light of recent district court rulings related to disclosure of similar documents, the Division of Parole and Probation provides the attached documents at this time. However, the Division maintains the position that these documents are confidential pursuant to NRS 176.156 and NRS 213.1075. This current production of documents does not constitute an abandonment of this position. In the future, should similar production of scoring documents result in unreasonable burden to the Division, the Division maintains its ability to pursue appropriate legal recourse to subpoenas for such documents.

For: 
Stephanie O'Rourke, Major

Brian Sandoval
Governor

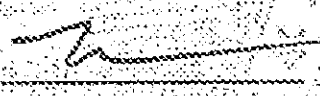


DIVISION OF PAROLE AND PROBATION
October 27, 2016
CERTIFICATE OF CUSTODIAN OF RECORDS

State of Nevada

Carson City

1. The Division of Parole and Probation (hereinafter "Division") and as such is a custodian of the records of the Division.
2. That the Division is a state agency of the Department of Public Safety of the State of Nevada.
3. That the Division received a Subpoena calling for the production of records pertaining to Kenya Splond
4. That the deponent has researched the Division's records has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete except for the redacted portions or other information deemed highly sensitive by the Division.
5. The document to which this certificate is attached is a full, true and correct copy of the documents called for in Subpoena on file and of records in my office

By: Melinda Ridgely 

Date: 10/27/2016



Natalie Wood
Chief

DIVISION OF PAROLE AND PROBATION

October 27, 2016

PROBATION SUCCESS PROBABILITY (PSP) SCORE

Offender:	SPLOND, KENYA	Offense Score Total:	19
PSI #:	██████████	Social Score Total:	25
BIN #:	██████████	Raw Score Total:	16
Case #:	C296374	Total PSP Score:	44

Prior Criminal History:

Felony Convictions:	0 = One	Jail Sentences:	0 = 3 or more
Misdemeanor Convictions:	0 = 4 or more	Juvenile Commitments:	2 = None/or over 24
Pending, unrelated cases:	0 = Felony	Years free of Conv:	0 = Less than 3
Subsequent Crim Hist:	1 = Arrest/Pending	Prior Formal Suprv:	1 = One
Prior Incarcerations:	3 = None	Criminal Pattern:	-2 = History of Violence

Present Offense:

Circumstances of Arrest:	2 = Non-prob.	Sophistication/Premeditation:	0 = High
Type of Offense:	0 = Person	Plea Bargain Benefits:	2 = N/A
Psych or Medical Impact:	3 = N/A	Financial Impact:	2 = Minimal or no loss
Weapon:	-2 = Brandished	CoOffender:	0 = Leader/Coerced Others or NONE
Controlled Substances:	3 = N/A	Motive:	1 = Under Influence/Alch or Drugs

Raw Score x 1.2 = Offense Score Total: 19

Social History:

Age:	3 = 40 or more	Family Situation:	2 = Moderately Supportive
Employment/Program:	2 = Sporadic	Education:	2 = High School/GED/Vo-T
Financial:	2 = Could be developed	Military:	1 = Hon Discharge/No Mil
Employability:	0 = Unemployable		

Pre Sentence Adjustment:

Commitment/Ties:	2 = Local/In State	Resource Availability:	2 = Available
Program Participation:	1 = Planned/Current	Substance Drug:	0 = Regular Use
Honesty/Cooperation:	2 = Candid	Substance Alcohol:	3 = Non-Problematic
Attitude/Supervision:	2 = Positive	Attitude/Offense:	1 = Indifferent

Social Score Total: 25

Offense Score + Social Score = PSP TOTAL SCORE: 44

REFERENCE & GUIDE TO MAX SENTENCE AND MINIMUM PAROLE ELIGIBILITY

SENTENCE IN YEARS	SENTENCE RANGE	LOW (39-49 MOS)	MODERATE (28-38 MOS)	MEDIUM (17-27 MOS)	MED-HIGH (6-16 MOS)	HIGH (-5-5 MOS)
1-4	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 48 (30) 12 MOS	30 - 48 (32) 12 MOS	30 - 48 (34) 12 MOS	30 - 48 (36) 12 MOS	30 - 48 (48) 12 MOS
1-5	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 60 (30) 12 MOS	30 - 60 (32) 12 MOS	30 - 60 (36) 12 MOS	30 - 60 (48) 12 MOS	33 - 60 (60) 12 MOS
1-6	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 72 (30) 12 MOS	30 - 72 (36) 12 MOS	30 - 72 (48) 12 MOS	33 - 72 (60) 13 MOS	40 - 72 (72) 16 MOS
1-10	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 120 (30) 12 MOS	30 - 120 (48) 12 MOS	30 - 120 (72) 12 MOS	55 - 120 (96) 22 MOS	65 - 120 (120) 26 MOS
2-10	MAXIMUM (SUGGESTED MAX) MINIMUM	60 - 120 (60) 24 MOS	60 - 120 (62) 24 MOS	60 - 120 (72) 24 MOS	60 - 120 (96) 24 MOS	65 - 120 (120) 26 MOS
2-15	MAXIMUM (SUGGESTED MAX) MINIMUM	60 - 180 (60) 24 MOS	60 - 180 (84) 24 MOS	65 - 180 (120) 26 MOS	88 - 180 (156) 35 MOS	100 - 180 (180) 40 MOS
3-15	MAXIMUM (SUGGESTED MAX) MINIMUM	90 - 180 (90) 36 MOS	90 - 180 (92) 36 MOS	90 - 180 (120) 36 MOS	90 - 180 (156) 36 MOS	100 - 180 (180) 40 MOS
5-15	MAXIMUM (SUGGESTED MAX) MINIMUM	150 - 180 (150) 60 MOS	150 - 180 (155) 60 MOS	150 - 180 (160) 60 MOS	150 - 180 (170) 60 MOS	150 - 180 (180) 60 MOS
1-20	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 240 (48) 12 MOS	55 - 240 (96) 22 MOS	80 - 240 (144) 32 MOS	108 - 240 (192) 43 MOS	133 - 240 (240) 53 MOS
2-20	MAXIMUM (SUGGESTED MAX) MINIMUM	60 - 240 (60) 24 MOS	60 - 240 (96) 24 MOS	80 - 240 (144) 32 MOS	108 - 240 (192) 43 MOS	133 - 240 (240) 53 MOS
5-20	MAXIMUM (SUGGESTED MAX) MINIMUM	150 - 240 (150) 60 MOS	150 - 240 (170) 60 MOS	150 - 240 (190) 60 MOS	150 - 240 (215) 60 MOS	150 - 240 (240) 60 MOS

OFFENSE SCORE

Prior Criminal History

Felony Convictions	Jail Sentences	Adjudicator Convictions	Juvenile Commitments	Pending unresolved cases	Years free of Conviction	Subsequent Criminal History	Prior Incarcerations	Prior Formal Supervision	Criminal Pattern
-1 2 or More	0 3 or More	0 4 or More	0 Two	0 Felony	0 Less than 3	0 Convictions	0 2 or more	0 More than 1	-2 History of Violence
0 One	1 2 or Less	1-3	One	1 Misdemeanor	2 3-5	1 Arrest/Pending	One	One	0 Same Type or Increased Severity
1 None	2 None	2 None	2 None/over 24	2 None	4 Over 5	2 None	3 None	2 None	1 Recurrent/Increased Severity
									2 Non/No Record

Present Offense

Circumstances of Arrest	Type of Offense	Psych or Medical Impact	Financial Impact	Controlled Substances	Sophistication/Permeation	Uses Bargain Benefits	Weapons	Co Offender	Active
-3 Violent	-2 Multiple person (3 or More)	0 Death	0 Excessive	-2 Sales/Smuggling/Manufacturing	0 High	0 High	-4 Used	0 Leader/Controlled Offender or None	1 Under Influence/Alcohol or Drugs
0 Resistant	-1 Multiple person (2)	0 Disability	0 Moderate	0 Possession for Sale/Minor Sales	1 Moderate	1 Somewhat	-2 Brandished	1 Equal Responsibility	0 Deliberate
2 Non-verb	0 Person	1 Reg Medical Treatment/ Psych	2 Minor or no loss	2 Simple Possession	2 None	2 N/A	0 Implied/ Concealed	3 Follower	2 Situational
3 Voluntary	1 Sales	2 Minor/ No Treatment	N/A	3 N/A			3 N/A	3 Unintentional	
	2 Property	3 N/A							
	3 Victims/Inj (Excluding Sales)								

SOCIAL SCORE

Social History

	Age		Family Situation		Education		Employment/ Program		Military		Employability		Finest
0	Certified Adult	0	Disruptive	0	Unknown	0	Almost Non-existent	0	Other	0	Unemployable	0	Unknown
1	Under 25	1	Non-Supportive/ Non- Habitant	1	Incomplete	2	Spontane	1	Hon Discharge/ No Military Service	1	Could be developed	1	Inadequate
2	25-39	2	Moderately Supportive	2	High School/ GED/ Vo- Tech Cert	4	Continuous/ Housewife			2	Readily/ Not Needed	2	Could be Developed
3	40 or More	3	Constructive Support	3	College or Tech Program Completed							4	Adequate

PreSentence Adjustment

	Commitment/ Time		Resource Availability		Substance Alcohol		Substance Drug		Program Participation		Honesty/ Cooperation		Attitude/ Supervision		Attitude Offense
0	None	0	Unavailable	0	Excessive	-2	Serious Abuser/ Addict	-1	Refused	0	Deceptive	0	Negative	0	Denies
1	Home State	2	Available	2	Problematic	0	Regular Use	0	Failure	1	Reluctant	1	Indifferent	1	Indifferent
2	Local/ In State	3	Pre-Determined/Not needed	3	Non-Problematic	1	Occasional	1	Planned/Current	2	Compld	2	Positive	2	Contrite
						3	No Use	2	Completed						