

Case No. A-21-836056-W
(C-15-304820-1)

Dept. No. 10

Electronically Filed
Nov 08 2021 08:51 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

Leonard R Woods

Petitioner/Plaintiff,

vs.

The State of Nevada

Respondent/Defendant.

NOTICE OF APPEAL

Notice is hereby given that Leonard R. Woods, Petitioner/Defendant
above named, hereby appeals to the Court of Appeals for the State of Nevada from the final
judgment / order (Findings of Fact, Conclusions of Law and Order
denial of Petitioner's Writ of Habeas Corpus)

Entered in this action on the 8th day of September, 20 21.

Dated this 25th day of October, 20 21.

Leonard R. Woods

NDOC # 1216972
Appellant - Pro Per
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

CLERK OF THE COURT

12 8 2021

RECEIVED

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OCT 28 2021

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAIL

I, Leonard R. Woods, hereby certify pursuant to Rule 5(b) of the NRCP, that on this 25th day of October, 20 21, I served a true and correct copy of the above-entitled Notice of Appeal postage prepaid and addressed as follows:

Clerk of the Courts
Clark County Courthouse
200 Lewis Ave
Las Vegas, Nevada
89101

Office of the District Attorney
% Taken Pandukht and R. Evans
200 Lewis Ave
P.O. Box 552212
Las Vegas, NV 89155

Signature 

Print Name Leonard R. Woods
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

AFFIRMATION PURSUANT TO NRS 239B.030

I, Leonard Woods, NDOC# 1216972,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED Notice of
Appeal

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 25th DAY OF October, 20 21.

SIGNATURE: L. Woods

INMATE PRINTED NAME: Leonard Woods

INMATE NDOC # 1216972

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

Leonard Woods 1216972
ELY STATE PRISON
4569 North State Rt.
P.O. BOX 1989
ELY, Nevada 89301

(c/o Clerk of the Courts)

Clark County Courthouse
200 Lewis Ave
Las Vegas, Nevada
89101

Legal Mail



1 ASTA
2
3
4
5

6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 LEONARD RAY WOODS,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA,

14 Defendant(s),
15

Case No: A-21-836056-W

Dept No: X

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Leonard R. Woods

20 2. Judge: Tierra Jones

21 3. Appellant(s): Leonard R. Woods

22 Counsel:

23 Leonard R. Woods #1216972
24 P.O. Box 1989
Ely, NV 89301

25 4. Respondent (s): State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89155-2212

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

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

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

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

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

8 **Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: Yes,
10 Date Application(s) filed: June 10, 2021

11 9. Date Commenced in District Court: June 10, 2021

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 1 day of November 2021.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Amanda Hampton

22 Amanda Hampton, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Leonard R. Woods
28

CASE SUMMARY

CASE NO. A-21-836056-W

Leonard Woods, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

§
§
§
§
§

Location: **Department 10**
Judicial Officer: **Jones, Tierra**
Filed on: **06/10/2021**
Cross-Reference Case Number: **A836056**

CASE INFORMATION

Related Cases

C-15-309820-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus****Statistical Closures**

10/01/2021 Other Manner of Disposition

Case Status: **10/01/2021 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-21-836056-W
Court	Department 10
Date Assigned	06/10/2021
Judicial Officer	Jones, Tierra

PARTY INFORMATION







Plaintiff	Woods, Leonard Ray	<i>Lead Attorneys</i>
		Pro Se
Defendant	State of Nevada	Wolfson, Steven B
		<i>Retained</i>
		702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

06/10/2021	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Woods, Leonard Ray [1] Post Conviction
06/10/2021	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Woods, Leonard Ray [2]
06/10/2021	 Affidavit in Support of Application Proceed Forma Pauperis Filed By: Plaintiff Woods, Leonard Ray [3] Affidavit in Support of Application to Proceed in Forma Pauperis
06/10/2021	 Motion for Appointment of Attorney Filed By: Plaintiff Woods, Leonard Ray [4] Motion for Appointment of Attorney Request for Evidentiary Hearing
06/15/2021	 Order for Petition for Writ of Habeas Corpus [5] Order for Petition for Writ of Habeas Corpus
06/22/2021	 Clerk's Notice of Hearing [6] Notice of Hearing

CASE SUMMARY
CASE NO. A-21-836056-W

07/29/2021	 Response Filed by: Defendant State of Nevada <i>[7] State's Response to Petition for Writ of Habeas Corpus (Post-Conviction) and Motion for the Appointment of Counsel and Request for Evidentiary Hearing</i>
10/01/2021	 Findings of Fact, Conclusions of Law and Order Filed By: Defendant State of Nevada <i>[8] Findings of Fact, Conclusions of Law and Order</i>
10/07/2021	 Notice of Entry of Findings of Fact, Conclusions of Law <i>[9] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
10/28/2021	 Notice of Appeal <i>[10] Notice of Appeal</i>
10/28/2021	 Notice of Appeal <i>[11] Notice of Appeal</i>
11/01/2021	 Case Appeal Statement Filed By: Plaintiff Woods, Leonard Ray <i>Case Appeal Statement</i>
11/01/2021	 Case Appeal Statement Filed By: Plaintiff Woods, Leonard Ray <i>Case Appeal Statement</i>
<u>HEARINGS</u>	
09/08/2021	Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Jones, Tierra) Denied;
09/08/2021	Motion for Appointment of Attorney (8:30 AM) (Judicial Officer: Jones, Tierra) <i>Plaintiff's Motion for Appointment of Attorney Request for Evidentiary Hearing</i> Denied;
09/08/2021	 All Pending Motions (8:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Petition for Writ of Habeas Corpus.....Motion for Appointment of Attorney Mr. Woods not present and in the Nevada Department of Corrections. Matter submitted on the pleadings. COURT ORDERED, Petition for Writ of Habeas Corpus and Motion for Appointment of Attorney, DENIED. State to prepare Findings of Fact and Conclusions of Law, consistent with their opposition. NDC;</i>

DISTRICT COURT CIVIL COVER SHEET

A-21-836056-W

Dept. 10

County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Leonard Woods

Defendant(s) (name/address/phone):

State of Nevada

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property		Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

June 10, 2021

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

FFCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #05734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LEONARD RAY WOODS,
#1901705

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: A-21-836056-W

(C-15-309820-1)

DEPT NO: X

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: September 8, 2021

TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TIERRA D. JONES, District Judge, on the 8th day of September 2021, Petitioner not being present, Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through RONALD EVANS, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, the Court makes the following findings of fact and conclusions of law:

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 On October 6, 2015, LEONARD RAY WOODS (hereinafter, "Petitioner") was charged
4 by way of Information, as follows: Count 1 – Murder with Use of a Deadly Weapon (Category
5 A Felony – NRS 200.010, 200.030, 193.165); Count 2 – Peeping or Spying Through a
6 Window, Door or Other Opening of Dwelling of Another While in Possession of a Recording
7 Device (Gross Misdemeanor – NRS 200.630); Count 3 – Capturing an Image of the Private
8 Area of Another Person (Gross Misdemeanor – NRS 200.604); Count 4 – Peeping or Spying
9 Through a Window, Door or Other Opening of Dwelling of Another While in Possession of a
10 Recording Device (Gross Misdemeanor – NRS 200.630); Count 5 – Peeping or Spying
11 Through a Window, Door or Other Opening of Dwelling of Another While in Possession of a
12 Recording Device (Gross Misdemeanor – NRS 200.630); Count 6 – Capturing an Image of
13 the Private Area of Another Person (Gross Misdemeanor – NRS 200.604); Count 7 – Peeping
14 or Spying Through a Window, Door or Other Opening of Dwelling of Another While in
15 Possession of a Recording Device (Gross Misdemeanor – NRS 200.630); Count 8 – Open or
16 Gross Lewdness (Gross Misdemeanor – NRS 201.210); Count 9 – Ownership or Possession
17 of Firearm by Prohibited Person (Category B Felony – NRS 202.360); and Count 10 –
18 Ownership or Possession of Firearm by Prohibited Person (Category B Felony – NRS
19 202.360).

20 On June 29, 2016, Petitioner filed a Motion to Dismiss Counsel and Appointment of
21 Alternate Counsel. On July 21, 2016, Petitioner clarified that he wished to represent himself,
22 and the Court set the matter for a Faretta Canvass. However, on July 28, 2016, the date set for
23 the Faretta Canvass, Petitioner advised the Court he no longer wanted to represent himself.

24 On November 21, 2016, Petitioner filed another Motion to Dismiss Counsel and
25 Appointment of Alternate Counsel, as well as a Petition for Writ of Mandamus. On December
26 13, 2016, Petitioner clarified that he would rather represent himself than have appointed
27 counsel, and the Court scheduled a Faretta Canvass. Yet again, however, on the date set for

28 ///

1 the Faretta Canvass, December 20, 2016, Petitioner told the Court he did not want to represent
2 himself.

3 On October 25, 2017, Petitioner filed his third Motion to Dismiss Counsel and
4 Appointment of Alternate Counsel. On November 15, 2017, the Court denied Petitioner's
5 Motion, making a finding on the record that there was no basis to withdraw counsel.

6 On August 15, 2018, Petitioner again asserted that he wanted to represent himself, and
7 he filed a Pro per Motion to Proceed Pro Se on August 21, 2018. On August 29, 2018, the
8 Court conducted a Faretta Canvass, and ultimately granted Petitioner's request to represent
9 himself at trial.

10 On March 18, 2019, Petitioner proceeded to jury trial, with Deputy Public Defender
11 Julia Murray present as standby counsel. On March 25, 2019, the State filed an Amended
12 Information, including the following charges: Count 1 – Murder with Use of a Deadly
13 Weapon; Count 2 – Capturing an Image of the Private Area of Another Person; Count 3 –
14 Capturing an Image of the Private Area of Another Person; Count 4 – Open or Gross
15 Lewdness; Count 5 – Ownership or Possession of a Firearm by Prohibited Person; and Count
16 6 – Ownership or Possession of a Firearm by Prohibited Person.

17 On March 25, 2019, after six (6) days of trial, the jury returned its first Verdict, finding
18 Petitioner guilty of Counts 1-4. Thereafter, on March 26, 2019, the jury returned its second
19 Verdict, finding Petitioner guilty of Counts 5 and 6.

20 On March 26, 2019, the penalty phase of Petitioner's trial began. The next day, on
21 March 27, 2019, the jury returned its Verdict imposing a sentence of LIFE imprisonment
22 without the possibility of parole for Petitioner's murder conviction.

23 On May 15, 2019, Petitioner appeared for sentencing. The Court adjudicated Petitioner
24 guilty, consistent with the jury's Verdicts, and sentenced Petitioner, as follows: Count 1 – to
25 LIFE imprisonment in the Nevada Department of Corrections ("NDC") without the possibility
26 of parole, with a consecutive ninety-six (96) to two hundred forty (240) months for the use of
27 a deadly weapon; Count 2 – to three hundred sixty-four (364) days in the Clark County
28 Detention Center ("CCDC"), concurrent with Count 1; Count 3 – to three hundred sixty-four

1 (364) days in CCDC, concurrent with Count 1; Count 4 – to three hundred sixty-four (364)
2 days in CCDC, concurrent with Count 1; Count 5 – to twenty-eight (28) to seventy-two (72)
3 months in NDC, concurrent with Count 1; and Count 6 – to twenty-eight (28) to seventy-two
4 (72) months in NDC, concurrent with Count 1. Petitioner was further ordered to pay \$2,500 in
5 restitution to Victims of Crime, and was given one thousand three hundred seventy-nine
6 (1,379) days credit for time served. Petitioner's Judgment of Conviction was filed on May 17,
7 2019.

8 On May 15, 2019, Petitioner noticed his direct appeal. On November 3, 2020, the
9 Nevada Supreme Court affirmed Petitioner's Judgment of Conviction. Remittitur issued on
10 February 17, 2021.

11 On June 10, 2021, Petitioner filed the instant Petition for Writ of Habeas Corpus
12 (Postconviction), as well as the instant Motion for the Appointment of Counsel and Request
13 for Evidentiary Hearing. On July 29, 2021, the State filed a Response. On September 8, 2021,
14 this Court denied Petitioner's Petition for Writ of Habeas Corpus (Postconviction) and Motion
15 for the Appointment of Counsel and Request for Evidentiary Hearing.

16 **STATEMENT OF FACTS**

17 The Court relied on the following when sentencing Petitioner:

18 On July 17, 2015, officers responded to a residence in reference to a
19 report of child molestation. Upon arrival, officers made contact with juvenile
20 victim #1 (DOB 09-25-99) and her mother. Victim #1 stated she was touched
21 inappropriately by her mother's boyfriend, later identified as the defendant
22 Leonard Ray Woods. Victim #1 advised police the defendant approached her in
23 the kitchen earlier in the day and accused her of taking nude pictures of herself.
24 She denied the accusation and Mr. Woods told her he was outside of the
25 residence looking through the blinds of her bedroom and he had taken a picture
26 of her. The defendant threatened to tell her mother if she did not show him her
27 bare breasts. The defendant then walked up behind Victim #1, wrapped his arms
28 around her and proceeded to grab her breasts. Mr. Woods then gave Victim #1,
\$20.00, to keep the incident a secret.

Mr. Woods was subsequently arrested and later released from custody.

On August 5, 2015, dispatch received several calls reporting a stabbing
at a local business. Upon arrival, officers found a female, victim #2, suffering
from multiple stab wounds to her torso, neck and both arms. Victim #2 was
transported to a local hospital where she was pronounced dead. Homicide
detectives arrived on the scene and spoke to victim #2's daughter, victim #1. She
advised detectives as she and her mother walked towards their vehicle Mr.
Woods ran up to victim #2 outside of the local business and began to stab her as

1 he repeatedly yelled out "bitch." Victim #1 ran into the business and screamed
2 for help and when she ran back outside, she found victim #2 on the sidewalk
3 bleeding and struggling to breathe. Victim #1 told the detectives the defendant
4 had threatened numerous times to kill both victim #2 and victim #1, and
5 threatened to burn their house down.

6 During the course of the investigation, detectives learned Mr. Woods had
7 previously been arrested for a lewd act involving victim #1. They also spoke to
8 several witnesses who were able to provide detailed descriptions of the assailant.
9 One witness stated she observed a male chase the victim around a vehicle as she
10 screamed, "Someone help me, please someone help me. He is trying to kill me."
11 As the defendant stabbed victim #2 in the neck, he yelled, "Fuck you bitch, I
12 told you I would find you." Another witness told detectives he observed the
13 defendant stab victim #2 repeatedly and then stand over her as he told her, "I
14 said I would get you bitch, I got you, you fucking bitch."

15 On August 6, 2015, Mr. Woods approached officers to turn himself in.
16 During questioning with detectives, the defendant stated he observed victim #2
17 drive through his old neighborhood and he did not mean for it to end like this.
18 He also called himself a murderer and stated he did not intend to kill her.

19 PSI at 6-7.

20 ANALYSIS

21 **I. PETITIONER'S CLAIMS ARE SUBJECT TO RES JUDICATA AND THE** 22 **LAW OF THE CASE DOCTRINE**

23 The Nevada Supreme Court has explained that "[t]he law of a first appeal is law of the
24 case on all subsequent appeals in which the facts are substantially the same." Hall v. State, 91
25 Nev. 314, 315, 535 P.2d 797, 798 (1975) (quoting Walker v. State, 85 Nev. 337, 343, 455 P.2d
26 34, 38 (1969)). "The doctrine of the law of the case cannot be avoided by a more detailed and
27 precisely focused argument subsequently made after reflection upon the previous
28 proceedings." Id. at 316, 535 P.2d at 799. Under the law of the case doctrine, issues previously
decided on direct appeal may not be reargued in a habeas petition. Pellegrini v. State, 117 Nev.
860, 879, 34 P.3d 519, 532 (2001) (citing McNelson v. State, 115 Nev. 396, 414-15, 990 P.2d
1263, 1275 (1999)). Furthermore, this Court cannot overrule the Nevada Supreme Court. NEV.
CONST. Art. VI § 6. See Mason v. State, 206 S.W.3d 869, 875 (Ark. 2005) (recognizing the
doctrine's applicability in the criminal context); see also York v. State, 342 S.W. 528, 553
(Tex. Crim. Appl. 2011). Accordingly, by simply containing the same claims with the same
arguments, a petition is barred by the doctrines of the law of the case and res judicata. Id.; Hall
v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975).

1 In his instant Petition, Petitioner raises eight (8) separate grounds for relief. See Instant
2 Petition at 23-24. However, two (2) of these grounds are precluded by res judicata and the law
3 of the case doctrine, as each was considered – and denied – as part of Petitioner’s direct appeal.

4 Petitioner’s Ground One alleges that Petitioner was “denied repeatedly the right to
5 dismiss counsel resulting in ineffective assistance of counsel.” Instant Petition at 23. However,
6 the Nevada Supreme Court explained that Petitioner’s attempts to substitute counsel were
7 inadequate:

8 ...We conclude that the district court did not abuse its discretion by denying
9 Woods’s motions [for substitution of counsel] because he did not show good
10 cause for substitution of counsel, and his requests were based on the subjective
11 belief that he and his attorney had a breakdown in communication.

12 Order of Affirmance (filed on November 3, 2020 in Supreme Court Case No. 78816) at 4 n.2
13 (citations omitted). Therefore, the Nevada Supreme Court has already determined that there
14 was no basis for the Court to dismiss Petitioner’s early counsel, and Petitioner’s Ground One
15 is barred by the law of the case doctrine. Hall, 91 Nev. at 315, 535 P.2d at 798. Furthermore,
16 to the extent that Petitioner now seeks to couch his claim as an ineffective assistance claim,
17 the Hall Court expressly precluded such attempts to sidestep the law of the case doctrine. Id.
18 at 316, 535 P.2d at 799. Because this claim was already rejected by the Nevada Supreme Court,
19 it may not be substantively considered here and is summarily denied. Pellegrini, 117 Nev. at
20 879, 34 P.3d at 532.

21 Petitioner’s Ground Two argues that the Court “abused its discretion when it failed to
22 conduct an evidentiary hearing [before] denying defendant’s motion” to suppress evidence
23 found on a cell phone. Instant Petition at 23. However, the Nevada Supreme Court agreed with
24 the Court’s approach to Petitioner’s cell phone:

25 Here, officers seized Woods’s cell phone and 21 days later obtained a
26 warrant to search it. The district court found that Woods never requested the
27 return of his cell phone, and that police officers initially seized the phone and
28 then transferred it to detectives who performed a forensic investigation. Moreover, an officer declared in an affidavit that Woods’s cell phone was impounded for transfer to detectives. The district court also found that Woods was in custody for four days following the seizure of his cell phone. He was arrested again following Jones’s murder, which occurred before officers obtained the warrant to search his cell phone.

As in *Sullivan*, Woods's in-custody status for five days during the delay—and more importantly his failure to request the return of his cell phone—significantly reduced his possessory interest in it. *Id.* at 633; *see also Christie*, 717 F.3d at 1163 (holding that the defendant's failure to request the return of the property reduced his possessory interest in it). Also as in *Sullivan*, the delay here was partially because officers had to transfer the cell phone to detectives for a forensic examination. *See* 797 F.3d at 635. Thus, we conclude that the district court did not err by denying Woods's motion to suppress the contents of his cell phone.

Order of Affirmance at 8. Therefore, the Nevada Supreme Court already determined that the Court's denial of Petitioner's Motion to Suppress was proper; as such, Petitioner cannot successfully assert that an evidentiary hearing was necessary. *Pellegrini*, 117 Nev. at 879, 34 P.3d at 532. Because the substance of this claim was already considered, Petitioner's Ground Two is summarily denied under the law of the case doctrine. *Hall*, 91 Nev. at 315, 535 P.2d at 798.

Because these claims were rejected as part of Petitioner's direct appeal, they are barred by the law of the case doctrine, and are summarily rejected on their face.

II. PETITIONER'S REMAINING CLAIMS ARE WAIVED BY PETITIONER'S FAILURE TO RAISE THEM ON DIRECT APPEAL

Pursuant to NRS 34.810:

1. The court shall dismiss a petition if the court determines that:

...

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief...

unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

(Emphasis added).

The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and claims of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*" *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added) (disapproved on other grounds by *Thomas v. State*, 115 Nev. 148, 979 P.2d 222 (1999)). "A

1 court must dismiss a habeas petition if it presents claims that either were or could have been
2 presented in an earlier proceeding, unless the court finds both cause for failing to present the
3 claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State,
4 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

5 Furthermore, substantive claims are beyond the scope of habeas and waived. NRS
6 34.724(2)(a); Evans, 117 Nev. at 646–47, 29 P.3d at 523; Franklin, 110 Nev. at 752, 877 P.2d
7 at 1059. Under NRS 34.810(3), a defendant may only escape these procedural bars if they
8 meet the burden of establishing good cause and prejudice. Where a defendant does not show
9 good cause for failure to raise claims of error upon direct appeal, the district court is not obliged
10 to consider them in post-conviction proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025
11 (1975).

12 Notably, Petitioner’s remaining claims do not assert ineffective assistance of counsel.
13 Instead, they are substantive claims that should have been raised on direct appeal. Petitioner’s
14 Ground Three claims the “district court abused its discretion when it denied defense’s motion
15 to review officer’s files.” Instant Petition at 23. Petitioner’s Ground Four asserts the Court
16 somehow *violated* Petitioner’s rights by *granting* Petitioner’s request to represent himself and
17 appointing Petitioner’s previous counsel as stand-by counsel. Instant Petition at 23.
18 Petitioner’s Ground Five claims the Court erred by denying financial assistance and/or court
19 appointed assistance to Petitioner. Instant Petition at 24. Petitioner’s Ground Six argues the
20 Court “abused its discretion by giving the defendant six (6) months to prepare for a murder
21 trial.” Instant Petition at 24. Petitioner’s Ground Seven asserts the State failed to disclose all
22 exculpatory evidence to Petitioner. Instant Petition at 24. Petitioner’s final ground claims the
23 State “met with, swayed, or coached witnesses.” Instant Petition at 24. Indeed, Petitioner does
24 not raise a single claim of ineffective assistance of counsel, which would be proper to bring in
25 the first instance in this action. Franklin, 110 Nev. at 752, 877 P.2d at 1059. Because these
26 claims should have – and necessarily could have – been raised on direct appeal, they are now
27 considered waived by Petitioner’s failure to raise them thus. Id.

28 ///

Petitioner does not recognize the need to argue good cause, much less does he attempt to make such a showing. See Instant Petition. As such, pursuant to Evans, this Court denies Petitioner's claims. 117 Nev. at 646-47, 29 P.3d at 523.

III. PETITIONER'S CLAIMS ARE NOT SUFFICIENTLY PLED

The Nevada Supreme Court has explained that a party seeking review bears the responsibility "to cogently argue, and present legal authority" to support his assertions. Edwards v. Emperor's Garden Restaurant, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006); Dept. of Motor Vehicles and Public Safety v. Rowland, 107 Nev. 475, 479, 814 P.2d 80, 83 (1991) (defendant's failure to present legal authority resulted in no reason for the district court to consider defendant's claim); Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (an arguing party must support his arguments with relevant authority and cogent argument; "issues not so presented need not be addressed"); Randall v. Salvation Army, 100 Nev. 466, 470-71, 686 P.2d 241, 244 (1984) (court may decline consideration of issues lacking citation to relevant legal authority); Holland Livestock v. B & C Enterprises, 92 Nev. 473, 533 P.2d 950 (1976) (issues lacking citation to relevant legal authority do not warrant review on the merits).

Further, claims for relief devoid of specific factual allegations are "bare" and "naked," and are insufficient to warrant relief, as are those claims belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 22, 225 (1984). "[Petitioner] *must* allege specific facts supporting the claims in the petition[.]...Failure to allege specific facts rather than just conclusions may cause [the] petition to be dismissed." NRS 34.725(6) (emphasis added).

Petitioner includes two (2) pages of argument, in which he titles each of his eight (8) grounds, with one (1) or two (2) sentences in support of each. Instant Petition at 23-24. In these supporting sentences, Petitioner offers only generalities and vague references, rather than the requisite "specific facts." NRS 34.725(6); see, e.g., Instant Petition at 23 (arguing in support of Ground Two that "[t]here was evidence..." without specifying *what* that evidence was).

///

1 Because Petitioner offers only generalities, lacking specific factual bases, much less
2 cogent argument, the instant Petition does not warrant review. Rowland, 107 Nev. at 479, 814
3 P.2d at 83. Therefore, the instant Petition is subject only to summary denial as bare and naked,
4 and insufficiently pled.

5 **IV. PETITIONER FAILS TO DEMONSTRATE HE IS ENTITLED TO**
6 **APPOINTMENT OF COUNSEL**

7 Under the United States Constitution, the Sixth Amendment provides no right to
8 counsel in post-conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S.Ct.
9 2546, 2566 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the
10 Nevada Supreme Court similarly observed, “[t]he Nevada Constitution...does not guarantee a
11 right to counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right
12 to counsel provision as being coextensive with the Sixth Amendment to the United States
13 Constitution.” McKague specifically held that, with the exception of NRS 34.820(1)(a)
14 (entitling appointed counsel when petitioner is under a sentence of death), one does not have
15 “any constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at
16 164, 912 P.2d at 258.

17 The Nevada Legislature has, however, given courts discretion to appoint post-
18 conviction counsel so long as “the court is satisfied that the allegation of indigency is true and
19 the petition is not dismissed summarily.” NRS 34.750.

20 NRS 34.750 reads:

21 A petition may allege that the Defendant is unable to pay the costs of the
22 proceedings or employ counsel. If the court is satisfied that the allegation of
23 indigency is true and the petition is not dismissed summarily, the court may
appoint counsel at the time the court orders the filing of an answer and a return.
In making its determination, the court may consider whether:

- 24 (a) The issues are difficult;
25 (b) The Defendant is unable to comprehend the proceedings; or
(c) Counsel is necessary to proceed with discovery.

26 Under NRS 34.750, it is clear that the court has discretion in determining whether to
27 appoint counsel. More recently, the Nevada Supreme Court examined whether a district court
28 appropriately denied a defendant’s request for appointment of counsel based upon the factors

1 listed in NRS 34.750. Renteria-Novoa v. State, 133 Nev. 75, 391 P.3d 760 (2017). In Renteria-
2 Novoa, the petitioner had been serving a prison term of eighty-five (85) years to life. Id. at 75,
3 391 P.3d at 760. After his judgment of conviction was affirmed on direct appeal, the petitioner
4 filed a pro se habeas corpus petition and requested counsel be appointed. Id. The district court
5 ultimately denied both the petition and the request for appointment of counsel. Id. In reviewing
6 the district court's decision, the Renteria-Novoa Court examined the NRS 34.750 factors and
7 concluded the district court's decision should be reversed and remanded. Id. The Court
8 explained the petitioner was indigent, his petition could not be summarily dismissed, and he
9 had, in fact, satisfied the statutory factors. Id. at 76, 391 P.3d 760-61. As for the first factor,
10 the Court concluded that because petitioner represented he had issues with understanding the
11 English language—which was corroborated by his use of an interpreter at his trial—that was
12 enough to indicate the petitioner could not comprehend the proceedings. Id. Moreover, the
13 petitioner had demonstrated that the consequences he faced—a minimum eighty-five (85) year
14 sentence—were severe and his petition may have been the only vehicle for which he could
15 raise his claims. Id. at 76-77, 391 P.3d at 761-62. Finally, the petitioner's ineffective assistance
16 of counsel claims may have required additional discovery and investigation beyond the record.
17 Id.

18 A review of Petitioner's instant Petition, and his request, demonstrate that Petitioner
19 does not meet the NRS 34.750 factors. First, Petitioner includes eight (8) separate Grounds,
20 each of which are bare and naked, and lacking in specificity. See Section III, *supra*. Moreover,
21 each of Petitioner's claims are barred by the law of the case doctrine, or were waived by
22 Petitioner's failure to raise them on direct appeal. See Sections I-II, *supra*. Therefore, because
23 the issues raised by Petitioner are not suitable for review, the instant Petition is summarily
24 denied, and cannot entitle Petitioner to discretionary appointment of counsel. NRS 34.750(a);
25 Renteria-Novoa, 133 Nev. at 76, 391 P.3d at 760-61.

26 Second, in the underlying proceedings, Petitioner requested that he be canvassed
27 pursuant to Faretta, and was found competent to represent himself. Further, Petitioner has
28 formulated eight (8) separate claims for relief. See Instant Petition at 23-24. Petitioner has not,

1 and does not now, argue that he has any difficulties with the English language. See id.
2 Therefore, it is clear that Petitioner, while unhappy with the results of his underlying case,
3 comprehends the proceedings, thus not necessitating the discretionary appointment of counsel.
4 NRS 34.750(b); Renteria-Novoa, 133 Nev. at 76, 391 P.3d at 760-61.

5 Finally, Petitioner has not alleged that further discovery is necessary in this matter. See
6 generally Motion to Appoint. Instead, Petitioner's request for counsel seems to be an assertion
7 that the prison law library is insufficient, and/or that counsel would be helpful. See id.
8 However, neither of these assertions are statutory factors to be considered regarding the
9 discretionary appointment of counsel. See NRS 34.750; see also Renteria-Novoa, 133 Nev.
10 75, 391 P.3d 760. Therefore, because Petitioner has not alleged that further discovery is
11 necessary, and because his pleadings have shown his ability to formulate his claims, Petitioner
12 does not show that counsel is necessary.

13 Because the statutory factors and the Renteria-Novoa analysis weigh *against* the
14 discretionary appointment of counsel, Petitioner's Motion for the Appointment of Counsel is
15 denied.

16 **V. PETITIONER DOES NOT DEMONSTRATE THE NEED FOR AN**
17 **EVIDENTIARY HEARING**

18 NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 19 1. The judge or justice, upon review of the return, answer and all supporting
20 documents which are filed, shall determine whether an evidentiary hearing
21 is required. A petitioner must not be discharged or committed to the custody
22 of a person other than the respondent *unless an evidentiary hearing is held.*
- 23 2. If the judge or justice determines that the petitioner is not entitled to relief
24 and an evidentiary hearing is not required, he shall dismiss the petition
25 without a hearing.
- 26 3. If the judge or justice determines that an evidentiary hearing is required, he
27 shall grant the writ and shall set a date for the hearing.

28 (Emphasis added).

29 The Nevada Supreme Court has held that if a petition can be resolved without
30 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.
31 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A
32 defendant is entitled to an evidentiary hearing if his petition is supported by specific factual

1 allegations, which, if true, would entitle him to relief unless the factual allegations are repelled
2 by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove, 100 Nev. at
3 503, 686 P.2d at 225 (holding that “[a] defendant seeking post-conviction relief is not entitled
4 to an evidentiary hearing on factual allegations belied or repelled by the record”). “A claim is
5 ‘belied’ when it is contradicted or proven to be false by the record as it existed at the time the
6 claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002). Indeed, it is improper to
7 hold an evidentiary hearing simply to make a complete record. See State v. Eighth Judicial
8 Dist. Court, 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (“The district court considered
9 itself the ‘equivalent of . . . the trial judge’ and consequently wanted ‘to make as complete a
10 record as possible.’ This is an incorrect basis for an evidentiary hearing.”).

11 As has been set forth, *supra*, the instant Petition is not suitable for review and is
12 summarily denied. Indeed, apart from the inclusion of his “Request for Evidentiary Hearing”
13 in the title of his Motion for Appointment of Counsel, Petitioner does not set forth any support
14 for expanding the record. See generally Motion to Appoint. Instead, each of Petitioner’s claims
15 is bare and naked pursuant to Hargrove, and therefore, can each be resolved without expanding
16 the record. Marshall, 110 Nev. 1328, 885 P.2d 603.

17 Because Petitioner fails to set forth any reasoning to support expanding the record, and
18 because the instant Petition may be resolved without such expansion, Petitioner’s Request for
19 Evidentiary Hearing is denied.

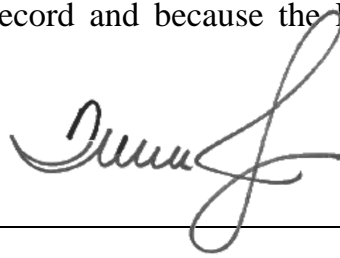
20 ORDER

21 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus
22 (Postconviction) is summarily DENIED. Petitioner’s contemporaneous Motion for
23 Appointment of Counsel and Request for Evidentiary Hearing are also DENIED.

24 Petitioner’s Petition is summarily denied for two reasons. First, as a preliminary matter,
25 all eight of Petitioner’s separate grounds are procedurally barred either by the law of the case
26 doctrine or waived by Petitioner’s failure to raise them on appeal. Second, every issue is bare
27 and naked, and lacking in specificity.
28

1 Accordingly, Petitioner's issues are not suitable for review and does not entitle
2 Petitioner to discretionary appointment of counsel under NRS 34.750 because his Petition is
3 summarily denied. The request for an evidentiary hearing is denied because Petitioner failed
4 to describe any reason to support expanding the record and because the Petition may be
5 resolved without such expansion.

Dated this 1st day of October, 2021



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

FB9 CD9 299C FE5A
Tierra Jones
District Court Judge

11 BY /s/ TALEEN PANDUKHT
12 TALEEN PANDUKHT
13 Chief Deputy District Attorney
14 Nevada Bar #05734

15 CERTIFICATE OF MAILING

16 I hereby certify that service of the above and foregoing was made this ____ day of
17 October, 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

18 LEONARD RAY WOODS, BAC #1216972
19 ELY STATE PRISON
20 4569 N. STATE ROUTE 490
21 ELY, NEVADA 89301

22 BY /s/ J.HAYES
23 Secretary for the District Attorney's Office
24
25
26
27

28 15F11579X/TP/jh/MVU

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Leonard Woods, Plaintiff(s)

CASE NO: A-21-836056-W

7 vs.

DEPT. NO. Department 10

8 State of Nevada, Defendant(s)

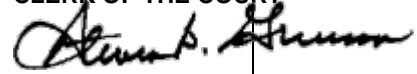
9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Final Accounting was served via the court's electronic eFile system to
13 all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/1/2021

15 Dept 10 Law Clerk

dept10lc@clarkcountycourts.us



1 NEFF

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4
5 LEONARD RAY WOODS,

6 Petitioner,

Case No: A-21-836056-W

Dept No: X

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

10
11 **PLEASE TAKE NOTICE** that on October 1, 2021, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on October 7, 2021.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Ingrid Ramos

Ingrid Ramos, Deputy Clerk

18
19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 7 day of October 2021, I served a copy of this Notice of Entry on the
21 following:

22 ☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

23
24 ☒ The United States mail addressed as follows:

25 Leonard Woods # 1216972
26 P.O. BOX 1989
Ely, NV 89301

27 /s/ Ingrid Ramos

28 Ingrid Ramos, Deputy Clerk

FFCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #05734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LEONARD RAY WOODS,
#1901705

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: A-21-836056-W

(C-15-309820-1)

DEPT NO: X

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: September 8, 2021

TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TIERRA D. JONES, District Judge, on the 8th day of September 2021, Petitioner not being present, Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through RONALD EVANS, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, the Court makes the following findings of fact and conclusions of law:

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 On October 6, 2015, LEONARD RAY WOODS (hereinafter, "Petitioner") was charged
4 by way of Information, as follows: Count 1 – Murder with Use of a Deadly Weapon (Category
5 A Felony – NRS 200.010, 200.030, 193.165); Count 2 – Peeping or Spying Through a
6 Window, Door or Other Opening of Dwelling of Another While in Possession of a Recording
7 Device (Gross Misdemeanor – NRS 200.630); Count 3 – Capturing an Image of the Private
8 Area of Another Person (Gross Misdemeanor – NRS 200.604); Count 4 – Peeping or Spying
9 Through a Window, Door or Other Opening of Dwelling of Another While in Possession of a
10 Recording Device (Gross Misdemeanor – NRS 200.630); Count 5 – Peeping or Spying
11 Through a Window, Door or Other Opening of Dwelling of Another While in Possession of a
12 Recording Device (Gross Misdemeanor – NRS 200.630); Count 6 – Capturing an Image of
13 the Private Area of Another Person (Gross Misdemeanor – NRS 200.604); Count 7 – Peeping
14 or Spying Through a Window, Door or Other Opening of Dwelling of Another While in
15 Possession of a Recording Device (Gross Misdemeanor – NRS 200.630); Count 8 – Open or
16 Gross Lewdness (Gross Misdemeanor – NRS 201.210); Count 9 – Ownership or Possession
17 of Firearm by Prohibited Person (Category B Felony – NRS 202.360); and Count 10 –
18 Ownership or Possession of Firearm by Prohibited Person (Category B Felony – NRS
19 202.360).

20 On June 29, 2016, Petitioner filed a Motion to Dismiss Counsel and Appointment of
21 Alternate Counsel. On July 21, 2016, Petitioner clarified that he wished to represent himself,
22 and the Court set the matter for a Faretta Canvass. However, on July 28, 2016, the date set for
23 the Faretta Canvass, Petitioner advised the Court he no longer wanted to represent himself.

24 On November 21, 2016, Petitioner filed another Motion to Dismiss Counsel and
25 Appointment of Alternate Counsel, as well as a Petition for Writ of Mandamus. On December
26 13, 2016, Petitioner clarified that he would rather represent himself than have appointed
27 counsel, and the Court scheduled a Faretta Canvass. Yet again, however, on the date set for

28 ///

1 the Faretta Canvass, December 20, 2016, Petitioner told the Court he did not want to represent
2 himself.

3 On October 25, 2017, Petitioner filed his third Motion to Dismiss Counsel and
4 Appointment of Alternate Counsel. On November 15, 2017, the Court denied Petitioner's
5 Motion, making a finding on the record that there was no basis to withdraw counsel.

6 On August 15, 2018, Petitioner again asserted that he wanted to represent himself, and
7 he filed a Pro per Motion to Proceed Pro Se on August 21, 2018. On August 29, 2018, the
8 Court conducted a Faretta Canvass, and ultimately granted Petitioner's request to represent
9 himself at trial.

10 On March 18, 2019, Petitioner proceeded to jury trial, with Deputy Public Defender
11 Julia Murray present as standby counsel. On March 25, 2019, the State filed an Amended
12 Information, including the following charges: Count 1 – Murder with Use of a Deadly
13 Weapon; Count 2 – Capturing an Image of the Private Area of Another Person; Count 3 –
14 Capturing an Image of the Private Area of Another Person; Count 4 – Open or Gross
15 Lewdness; Count 5 – Ownership or Possession of a Firearm by Prohibited Person; and Count
16 6 – Ownership or Possession of a Firearm by Prohibited Person.

17 On March 25, 2019, after six (6) days of trial, the jury returned its first Verdict, finding
18 Petitioner guilty of Counts 1-4. Thereafter, on March 26, 2019, the jury returned its second
19 Verdict, finding Petitioner guilty of Counts 5 and 6.

20 On March 26, 2019, the penalty phase of Petitioner's trial began. The next day, on
21 March 27, 2019, the jury returned its Verdict imposing a sentence of LIFE imprisonment
22 without the possibility of parole for Petitioner's murder conviction.

23 On May 15, 2019, Petitioner appeared for sentencing. The Court adjudicated Petitioner
24 guilty, consistent with the jury's Verdicts, and sentenced Petitioner, as follows: Count 1 – to
25 LIFE imprisonment in the Nevada Department of Corrections ("NDC") without the possibility
26 of parole, with a consecutive ninety-six (96) to two hundred forty (240) months for the use of
27 a deadly weapon; Count 2 – to three hundred sixty-four (364) days in the Clark County
28 Detention Center ("CCDC"), concurrent with Count 1; Count 3 – to three hundred sixty-four

1 (364) days in CCDC, concurrent with Count 1; Count 4 – to three hundred sixty-four (364)
2 days in CCDC, concurrent with Count 1; Count 5 – to twenty-eight (28) to seventy-two (72)
3 months in NDC, concurrent with Count 1; and Count 6 – to twenty-eight (28) to seventy-two
4 (72) months in NDC, concurrent with Count 1. Petitioner was further ordered to pay \$2,500 in
5 restitution to Victims of Crime, and was given one thousand three hundred seventy-nine
6 (1,379) days credit for time served. Petitioner's Judgment of Conviction was filed on May 17,
7 2019.

8 On May 15, 2019, Petitioner noticed his direct appeal. On November 3, 2020, the
9 Nevada Supreme Court affirmed Petitioner's Judgment of Conviction. Remittitur issued on
10 February 17, 2021.

11 On June 10, 2021, Petitioner filed the instant Petition for Writ of Habeas Corpus
12 (Postconviction), as well as the instant Motion for the Appointment of Counsel and Request
13 for Evidentiary Hearing. On July 29, 2021, the State filed a Response. On September 8, 2021,
14 this Court denied Petitioner's Petition for Writ of Habeas Corpus (Postconviction) and Motion
15 for the Appointment of Counsel and Request for Evidentiary Hearing.

16 **STATEMENT OF FACTS**

17 The Court relied on the following when sentencing Petitioner:

18 On July 17, 2015, officers responded to a residence in reference to a
19 report of child molestation. Upon arrival, officers made contact with juvenile
20 victim #1 (DOB 09-25-99) and her mother. Victim #1 stated she was touched
21 inappropriately by her mother's boyfriend, later identified as the defendant
22 Leonard Ray Woods. Victim #1 advised police the defendant approached her in
23 the kitchen earlier in the day and accused her of taking nude pictures of herself.
24 She denied the accusation and Mr. Woods told her he was outside of the
25 residence looking through the blinds of her bedroom and he had taken a picture
26 of her. The defendant threatened to tell her mother if she did not show him her
27 bare breasts. The defendant then walked up behind Victim #1, wrapped his arms
28 around her and proceeded to grab her breasts. Mr. Woods then gave Victim #1,
\$20.00, to keep the incident a secret.

Mr. Woods was subsequently arrested and later released from custody.

On August 5, 2015, dispatch received several calls reporting a stabbing
at a local business. Upon arrival, officers found a female, victim #2, suffering
from multiple stab wounds to her torso, neck and both arms. Victim #2 was
transported to a local hospital where she was pronounced dead. Homicide
detectives arrived on the scene and spoke to victim #2's daughter, victim #1. She
advised detectives as she and her mother walked towards their vehicle Mr.
Woods ran up to victim #2 outside of the local business and began to stab her as

1 he repeatedly yelled out "bitch." Victim #1 ran into the business and screamed
2 for help and when she ran back outside, she found victim #2 on the sidewalk
3 bleeding and struggling to breathe. Victim #1 told the detectives the defendant
4 had threatened numerous times to kill both victim #2 and victim #1, and
5 threatened to burn their house down.

6 During the course of the investigation, detectives learned Mr. Woods had
7 previously been arrested for a lewd act involving victim #1. They also spoke to
8 several witnesses who were able to provide detailed descriptions of the assailant.
9 One witness stated she observed a male chase the victim around a vehicle as she
10 screamed, "Someone help me, please someone help me. He is trying to kill me."
11 As the defendant stabbed victim #2 in the neck, he yelled, "Fuck you bitch, I
12 told you I would find you." Another witness told detectives he observed the
13 defendant stab victim #2 repeatedly and then stand over her as he told her, "I
14 said I would get you bitch, I got you, you fucking bitch."

15 On August 6, 2015, Mr. Woods approached officers to turn himself in.
16 During questioning with detectives, the defendant stated he observed victim #2
17 drive through his old neighborhood and he did not mean for it to end like this.
18 He also called himself a murderer and stated he did not intend to kill her.

19 PSI at 6-7.

20 ANALYSIS

21 **I. PETITIONER'S CLAIMS ARE SUBJECT TO RES JUDICATA AND THE** 22 **LAW OF THE CASE DOCTRINE**

23 The Nevada Supreme Court has explained that "[t]he law of a first appeal is law of the
24 case on all subsequent appeals in which the facts are substantially the same." Hall v. State, 91
25 Nev. 314, 315, 535 P.2d 797, 798 (1975) (quoting Walker v. State, 85 Nev. 337, 343, 455 P.2d
26 34, 38 (1969)). "The doctrine of the law of the case cannot be avoided by a more detailed and
27 precisely focused argument subsequently made after reflection upon the previous
28 proceedings." Id. at 316, 535 P.2d at 799. Under the law of the case doctrine, issues previously
decided on direct appeal may not be reargued in a habeas petition. Pellegrini v. State, 117 Nev.
860, 879, 34 P.3d 519, 532 (2001) (citing McNelson v. State, 115 Nev. 396, 414-15, 990 P.2d
1263, 1275 (1999)). Furthermore, this Court cannot overrule the Nevada Supreme Court. NEV.
CONST. Art. VI § 6. See Mason v. State, 206 S.W.3d 869, 875 (Ark. 2005) (recognizing the
doctrine's applicability in the criminal context); see also York v. State, 342 S.W. 528, 553
(Tex. Crim. Appl. 2011). Accordingly, by simply containing the same claims with the same
arguments, a petition is barred by the doctrines of the law of the case and res judicata. Id.; Hall
v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975).

1 In his instant Petition, Petitioner raises eight (8) separate grounds for relief. See Instant
2 Petition at 23-24. However, two (2) of these grounds are precluded by res judicata and the law
3 of the case doctrine, as each was considered – and denied – as part of Petitioner’s direct appeal.

4 Petitioner’s Ground One alleges that Petitioner was “denied repeatedly the right to
5 dismiss counsel resulting in ineffective assistance of counsel.” Instant Petition at 23. However,
6 the Nevada Supreme Court explained that Petitioner’s attempts to substitute counsel were
7 inadequate:

8 ...We conclude that the district court did not abuse its discretion by denying
9 Woods’s motions [for substitution of counsel] because he did not show good
10 cause for substitution of counsel, and his requests were based on the subjective
11 belief that he and his attorney had a breakdown in communication.

12 Order of Affirmance (filed on November 3, 2020 in Supreme Court Case No. 78816) at 4 n.2
13 (citations omitted). Therefore, the Nevada Supreme Court has already determined that there
14 was no basis for the Court to dismiss Petitioner’s early counsel, and Petitioner’s Ground One
15 is barred by the law of the case doctrine. Hall, 91 Nev. at 315, 535 P.2d at 798. Furthermore,
16 to the extent that Petitioner now seeks to couch his claim as an ineffective assistance claim,
17 the Hall Court expressly precluded such attempts to sidestep the law of the case doctrine. Id.
18 at 316, 535 P.2d at 799. Because this claim was already rejected by the Nevada Supreme Court,
19 it may not be substantively considered here and is summarily denied. Pellegrini, 117 Nev. at
20 879, 34 P.3d at 532.

21 Petitioner’s Ground Two argues that the Court “abused its discretion when it failed to
22 conduct an evidentiary hearing [before] denying defendant’s motion” to suppress evidence
23 found on a cell phone. Instant Petition at 23. However, the Nevada Supreme Court agreed with
24 the Court’s approach to Petitioner’s cell phone:

25 Here, officers seized Woods’s cell phone and 21 days later obtained a
26 warrant to search it. The district court found that Woods never requested the
27 return of his cell phone, and that police officers initially seized the phone and
28 then transferred it to detectives who performed a forensic investigation. Moreover, an officer declared in an affidavit that Woods’s cell phone was impounded for transfer to detectives. The district court also found that Woods was in custody for four days following the seizure of his cell phone. He was arrested again following Jones’s murder, which occurred before officers obtained the warrant to search his cell phone.

As in *Sullivan*, Woods's in-custody status for five days during the delay—and more importantly his failure to request the return of his cell phone—significantly reduced his possessory interest in it. *Id.* at 633; *see also Christie*, 717 F.3d at 1163 (holding that the defendant's failure to request the return of the property reduced his possessory interest in it). Also as in *Sullivan*, the delay here was partially because officers had to transfer the cell phone to detectives for a forensic examination. *See* 797 F.3d at 635. Thus, we conclude that the district court did not err by denying Woods's motion to suppress the contents of his cell phone.

Order of Affirmance at 8. Therefore, the Nevada Supreme Court already determined that the Court's denial of Petitioner's Motion to Suppress was proper; as such, Petitioner cannot successfully assert that an evidentiary hearing was necessary. *Pellegrini*, 117 Nev. at 879, 34 P.3d at 532. Because the substance of this claim was already considered, Petitioner's Ground Two is summarily denied under the law of the case doctrine. *Hall*, 91 Nev. at 315, 535 P.2d at 798.

Because these claims were rejected as part of Petitioner's direct appeal, they are barred by the law of the case doctrine, and are summarily rejected on their face.

II. PETITIONER'S REMAINING CLAIMS ARE WAIVED BY PETITIONER'S FAILURE TO RAISE THEM ON DIRECT APPEAL

Pursuant to NRS 34.810:

1. The court shall dismiss a petition if the court determines that:

...

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief...

unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

(Emphasis added).

The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and claims of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*" *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added) (disapproved on other grounds by *Thomas v. State*, 115 Nev. 148, 979 P.2d 222 (1999)). "A

1 court must dismiss a habeas petition if it presents claims that either were or could have been
2 presented in an earlier proceeding, unless the court finds both cause for failing to present the
3 claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State,
4 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

5 Furthermore, substantive claims are beyond the scope of habeas and waived. NRS
6 34.724(2)(a); Evans, 117 Nev. at 646–47, 29 P.3d at 523; Franklin, 110 Nev. at 752, 877 P.2d
7 at 1059. Under NRS 34.810(3), a defendant may only escape these procedural bars if they
8 meet the burden of establishing good cause and prejudice. Where a defendant does not show
9 good cause for failure to raise claims of error upon direct appeal, the district court is not obliged
10 to consider them in post-conviction proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025
11 (1975).

12 Notably, Petitioner’s remaining claims do not assert ineffective assistance of counsel.
13 Instead, they are substantive claims that should have been raised on direct appeal. Petitioner’s
14 Ground Three claims the “district court abused its discretion when it denied defense’s motion
15 to review officer’s files.” Instant Petition at 23. Petitioner’s Ground Four asserts the Court
16 somehow *violated* Petitioner’s rights by *granting* Petitioner’s request to represent himself and
17 appointing Petitioner’s previous counsel as stand-by counsel. Instant Petition at 23.
18 Petitioner’s Ground Five claims the Court erred by denying financial assistance and/or court
19 appointed assistance to Petitioner. Instant Petition at 24. Petitioner’s Ground Six argues the
20 Court “abused its discretion by giving the defendant six (6) months to prepare for a murder
21 trial.” Instant Petition at 24. Petitioner’s Ground Seven asserts the State failed to disclose all
22 exculpatory evidence to Petitioner. Instant Petition at 24. Petitioner’s final ground claims the
23 State “met with, swayed, or coached witnesses.” Instant Petition at 24. Indeed, Petitioner does
24 not raise a single claim of ineffective assistance of counsel, which would be proper to bring in
25 the first instance in this action. Franklin, 110 Nev. at 752, 877 P.2d at 1059. Because these
26 claims should have – and necessarily could have – been raised on direct appeal, they are now
27 considered waived by Petitioner’s failure to raise them thus. Id.

28 ///

Petitioner does not recognize the need to argue good cause, much less does he attempt to make such a showing. See Instant Petition. As such, pursuant to Evans, this Court denies Petitioner's claims. 117 Nev. at 646-47, 29 P.3d at 523.

III. PETITIONER'S CLAIMS ARE NOT SUFFICIENTLY PLED

The Nevada Supreme Court has explained that a party seeking review bears the responsibility "to cogently argue, and present legal authority" to support his assertions. Edwards v. Emperor's Garden Restaurant, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006); Dept. of Motor Vehicles and Public Safety v. Rowland, 107 Nev. 475, 479, 814 P.2d 80, 83 (1991) (defendant's failure to present legal authority resulted in no reason for the district court to consider defendant's claim); Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (an arguing party must support his arguments with relevant authority and cogent argument; "issues not so presented need not be addressed"); Randall v. Salvation Army, 100 Nev. 466, 470-71, 686 P.2d 241, 244 (1984) (court may decline consideration of issues lacking citation to relevant legal authority); Holland Livestock v. B & C Enterprises, 92 Nev. 473, 533 P.2d 950 (1976) (issues lacking citation to relevant legal authority do not warrant review on the merits).

Further, claims for relief devoid of specific factual allegations are "bare" and "naked," and are insufficient to warrant relief, as are those claims belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 22, 225 (1984). "[Petitioner] *must* allege specific facts supporting the claims in the petition[.]...Failure to allege specific facts rather than just conclusions may cause [the] petition to be dismissed." NRS 34.725(6) (emphasis added).

Petitioner includes two (2) pages of argument, in which he titles each of his eight (8) grounds, with one (1) or two (2) sentences in support of each. Instant Petition at 23-24. In these supporting sentences, Petitioner offers only generalities and vague references, rather than the requisite "specific facts." NRS 34.725(6); see, e.g., Instant Petition at 23 (arguing in support of Ground Two that "[t]here was evidence..." without specifying *what* that evidence was).

///

1 Because Petitioner offers only generalities, lacking specific factual bases, much less
2 cogent argument, the instant Petition does not warrant review. Rowland, 107 Nev. at 479, 814
3 P.2d at 83. Therefore, the instant Petition is subject only to summary denial as bare and naked,
4 and insufficiently pled.

5 **IV. PETITIONER FAILS TO DEMONSTRATE HE IS ENTITLED TO** 6 **APPOINTMENT OF COUNSEL**

7 Under the United States Constitution, the Sixth Amendment provides no right to
8 counsel in post-conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S.Ct.
9 2546, 2566 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the
10 Nevada Supreme Court similarly observed, “[t]he Nevada Constitution...does not guarantee a
11 right to counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right
12 to counsel provision as being coextensive with the Sixth Amendment to the United States
13 Constitution.” McKague specifically held that, with the exception of NRS 34.820(1)(a)
14 (entitling appointed counsel when petitioner is under a sentence of death), one does not have
15 “any constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at
16 164, 912 P.2d at 258.

17 The Nevada Legislature has, however, given courts discretion to appoint post-
18 conviction counsel so long as “the court is satisfied that the allegation of indigency is true and
19 the petition is not dismissed summarily.” NRS 34.750.

20 NRS 34.750 reads:

21 A petition may allege that the Defendant is unable to pay the costs of the
22 proceedings or employ counsel. If the court is satisfied that the allegation of
23 indigency is true and the petition is not dismissed summarily, the court may
appoint counsel at the time the court orders the filing of an answer and a return.
In making its determination, the court may consider whether:

- 24 (a) The issues are difficult;
- 25 (b) The Defendant is unable to comprehend the proceedings; or
- (c) Counsel is necessary to proceed with discovery.

26 Under NRS 34.750, it is clear that the court has discretion in determining whether to
27 appoint counsel. More recently, the Nevada Supreme Court examined whether a district court
28 appropriately denied a defendant’s request for appointment of counsel based upon the factors

1 listed in NRS 34.750. Renteria-Novoa v. State, 133 Nev. 75, 391 P.3d 760 (2017). In Renteria-
2 Novoa, the petitioner had been serving a prison term of eighty-five (85) years to life. Id. at 75,
3 391 P.3d at 760. After his judgment of conviction was affirmed on direct appeal, the petitioner
4 filed a pro se habeas corpus petition and requested counsel be appointed. Id. The district court
5 ultimately denied both the petition and the request for appointment of counsel. Id. In reviewing
6 the district court's decision, the Renteria-Novoa Court examined the NRS 34.750 factors and
7 concluded the district court's decision should be reversed and remanded. Id. The Court
8 explained the petitioner was indigent, his petition could not be summarily dismissed, and he
9 had, in fact, satisfied the statutory factors. Id. at 76, 391 P.3d 760-61. As for the first factor,
10 the Court concluded that because petitioner represented he had issues with understanding the
11 English language—which was corroborated by his use of an interpreter at his trial—that was
12 enough to indicate the petitioner could not comprehend the proceedings. Id. Moreover, the
13 petitioner had demonstrated that the consequences he faced—a minimum eighty-five (85) year
14 sentence—were severe and his petition may have been the only vehicle for which he could
15 raise his claims. Id. at 76-77, 391 P.3d at 761-62. Finally, the petitioner's ineffective assistance
16 of counsel claims may have required additional discovery and investigation beyond the record.
17 Id.

18 A review of Petitioner's instant Petition, and his request, demonstrate that Petitioner
19 does not meet the NRS 34.750 factors. First, Petitioner includes eight (8) separate Grounds,
20 each of which are bare and naked, and lacking in specificity. See Section III, *supra*. Moreover,
21 each of Petitioner's claims are barred by the law of the case doctrine, or were waived by
22 Petitioner's failure to raise them on direct appeal. See Sections I-II, *supra*. Therefore, because
23 the issues raised by Petitioner are not suitable for review, the instant Petition is summarily
24 denied, and cannot entitle Petitioner to discretionary appointment of counsel. NRS 34.750(a);
25 Renteria-Novoa, 133 Nev. at 76, 391 P.3d at 760-61.

26 Second, in the underlying proceedings, Petitioner requested that he be canvassed
27 pursuant to Faretta, and was found competent to represent himself. Further, Petitioner has
28 formulated eight (8) separate claims for relief. See Instant Petition at 23-24. Petitioner has not,

1 and does not now, argue that he has any difficulties with the English language. See id.
2 Therefore, it is clear that Petitioner, while unhappy with the results of his underlying case,
3 comprehends the proceedings, thus not necessitating the discretionary appointment of counsel.
4 NRS 34.750(b); Renteria-Novoa, 133 Nev. at 76, 391 P.3d at 760-61.

5 Finally, Petitioner has not alleged that further discovery is necessary in this matter. See
6 generally Motion to Appoint. Instead, Petitioner's request for counsel seems to be an assertion
7 that the prison law library is insufficient, and/or that counsel would be helpful. See id.
8 However, neither of these assertions are statutory factors to be considered regarding the
9 discretionary appointment of counsel. See NRS 34.750; see also Renteria-Novoa, 133 Nev.
10 75, 391 P.3d 760. Therefore, because Petitioner has not alleged that further discovery is
11 necessary, and because his pleadings have shown his ability to formulate his claims, Petitioner
12 does not show that counsel is necessary.

13 Because the statutory factors and the Renteria-Novoa analysis weigh *against* the
14 discretionary appointment of counsel, Petitioner's Motion for the Appointment of Counsel is
15 denied.

16 **V. PETITIONER DOES NOT DEMONSTRATE THE NEED FOR AN**
17 **EVIDENTIARY HEARING**

18 NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 19 1. The judge or justice, upon review of the return, answer and all supporting
20 documents which are filed, shall determine whether an evidentiary hearing
21 is required. A petitioner must not be discharged or committed to the custody
22 of a person other than the respondent *unless an evidentiary hearing is held.*
- 23 2. If the judge or justice determines that the petitioner is not entitled to relief
24 and an evidentiary hearing is not required, he shall dismiss the petition
25 without a hearing.
- 26 3. If the judge or justice determines that an evidentiary hearing is required, he
27 shall grant the writ and shall set a date for the hearing.

28 (Emphasis added).

29 The Nevada Supreme Court has held that if a petition can be resolved without
30 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.
31 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A
32 defendant is entitled to an evidentiary hearing if his petition is supported by specific factual

1 allegations, which, if true, would entitle him to relief unless the factual allegations are repelled
2 by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove, 100 Nev. at
3 503, 686 P.2d at 225 (holding that “[a] defendant seeking post-conviction relief is not entitled
4 to an evidentiary hearing on factual allegations belied or repelled by the record”). “A claim is
5 ‘belied’ when it is contradicted or proven to be false by the record as it existed at the time the
6 claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002). Indeed, it is improper to
7 hold an evidentiary hearing simply to make a complete record. See State v. Eighth Judicial
8 Dist. Court, 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (“The district court considered
9 itself the ‘equivalent of . . . the trial judge’ and consequently wanted ‘to make as complete a
10 record as possible.’ This is an incorrect basis for an evidentiary hearing.”).

11 As has been set forth, *supra*, the instant Petition is not suitable for review and is
12 summarily denied. Indeed, apart from the inclusion of his “Request for Evidentiary Hearing”
13 in the title of his Motion for Appointment of Counsel, Petitioner does not set forth any support
14 for expanding the record. See generally Motion to Appoint. Instead, each of Petitioner’s claims
15 is bare and naked pursuant to Hargrove, and therefore, can each be resolved without expanding
16 the record. Marshall, 110 Nev. 1328, 885 P.2d 603.

17 Because Petitioner fails to set forth any reasoning to support expanding the record, and
18 because the instant Petition may be resolved without such expansion, Petitioner’s Request for
19 Evidentiary Hearing is denied.

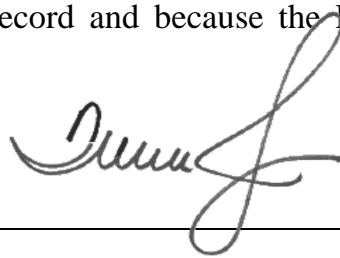
20 ORDER

21 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus
22 (Postconviction) is summarily DENIED. Petitioner’s contemporaneous Motion for
23 Appointment of Counsel and Request for Evidentiary Hearing are also DENIED.

24 Petitioner’s Petition is summarily denied for two reasons. First, as a preliminary matter,
25 all eight of Petitioner’s separate grounds are procedurally barred either by the law of the case
26 doctrine or waived by Petitioner’s failure to raise them on appeal. Second, every issue is bare
27 and naked, and lacking in specificity.
28

1 Accordingly, Petitioner's issues are not suitable for review and does not entitle
2 Petitioner to discretionary appointment of counsel under NRS 34.750 because his Petition is
3 summarily denied. The request for an evidentiary hearing is denied because Petitioner failed
4 to describe any reason to support expanding the record and because the Petition may be
5 resolved without such expansion.

Dated this 1st day of October, 2021



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

FB9 CD9 299C FE5A
Tierra Jones
District Court Judge

11 BY /s/ TALEEN PANDUKHT
12 TALEEN PANDUKHT
13 Chief Deputy District Attorney
14 Nevada Bar #05734

15 CERTIFICATE OF MAILING

16 I hereby certify that service of the above and foregoing was made this ____ day of
17 October, 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

18 LEONARD RAY WOODS, BAC #1216972
19 ELY STATE PRISON
20 4569 N. STATE ROUTE 490
21 ELY, NEVADA 89301

22 BY /s/ J.HAYES
23 Secretary for the District Attorney's Office
24
25
26
27

28 15F11579X/TP/jh/MVU

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Leonard Woods, Plaintiff(s)

CASE NO: A-21-836056-W

7 vs.

DEPT. NO. Department 10

8 State of Nevada, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Final Accounting was served via the court's electronic eFile system to
13 all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/1/2021

15 Dept 10 Law Clerk

dept10lc@clarkcountycourts.us

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

September 08, 2021

A-21-836056-W Leonard Woods, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

September 08, 2021 8:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Evans, Ronald James Attorney

JOURNAL ENTRIES

- Petition for Writ of Habeas Corpus.....Motion for Appointment of Attorney

Mr. Woods not present and in the Nevada Department of Corrections. Matter submitted on the pleadings. COURT ORDERED, Petition for Writ of Habeas Corpus and Motion for Appointment of Attorney, DENIED. State to prepare Findings of Fact and Conclusions of Law, consistent with their opposition.

NDC

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER;
DISTRICT COURT MINUTES

LEONARD RAY WOODS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-21-836056-W

Dept No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 1 day of November 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

