

# IN THE SUPREME COURT OF THE STATE OF NEVADA

LEONARD RAY WOODS,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Nov 30 2021 02:50 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: A-21-836056-W

Docket No: 83728

## RECORD ON APPEAL

**ATTORNEY FOR APPELLANT**  
**LEONARD WOODS #1216972,**  
**PROPER PERSON**  
**P.O. BOX 1989**  
**ELY, NV 89301**

**ATTORNEY FOR RESPONDENT**  
**STEVEN B. WOLFSON,**  
**DISTRICT ATTORNEY**  
**200 LEWIS AVE.**  
**LAS VEGAS, NV 89155-2212**

**I N D E X**

<b><u>VOL</u></b>	<b><u>DATE</u></b>	<b><u>PLEADING</u></b>	<b><u>PAGE NUMBER:</u></b>
1	06/10/2021	AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)	29 - 34
1	11/01/2021	CASE APPEAL STATEMENT	98 - 99
1	11/01/2021	CASE APPEAL STATEMENT	100 - 101
1	11/30/2021	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
1	11/30/2021	DISTRICT COURT MINUTES	102 - 102
1	10/01/2021	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	59 - 73
1	06/10/2021	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)	28 - 28
1	06/10/2021	MOTION FOR THE APPOINTMENT OF COUNSEL REQUEST FOR EVIDENTIARY HEARING	35 - 41
1	10/28/2021	NOTICE OF APPEAL	90 - 93
1	10/28/2021	NOTICE OF APPEAL	94 - 97
1	10/07/2021	NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	74 - 89
1	06/22/2021	NOTICE OF HEARING	44 - 44
1	06/15/2021	ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS	42 - 43
1	06/10/2021	PETITION FOR WRIT OF HABEAS CORPUS (POSTCONVICTION)	1 - 27
1	07/29/2021	STATE'S RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (POSTCONVICTION) AND MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING	45 - 58

Case No. A-21-836056-W  
Dept. No. Dept. 10

FILED  
JUN 10 2021

*John L. Blum*  
CLERK OF COURT

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

*PSA*  
Leonard Ray Woods  
Petitioner,

v.

STATE OF Nevada  
Respondent.

PETITION FOR WRIT  
OF HABEAS CORPUS  
(POSTCONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you're not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
- (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

RECEIVED

JUN - 7 2021

CLERK OF THE COURT

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

### PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: ELY STATE PRISON ELY, Nevada

2. Name and location of court which entered the judgment of conviction under attack: The Eighth Judicial District Court of the State of Nevada

3. Date of judgment of conviction: Order of Affirmance 11/3/20, Order denying Rehearing 12/23/20, Remittitur 2/16/21

4. Case number: C-15-309820-1

5. (a) Length of sentence: Life without Parole

(b) If sentence is death, state any date upon which execution is scheduled: /

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes        No X

If "yes", list crime, case number and sentence being served at this time:       

7. Nature of offense involved in conviction being challenged: 1<sup>st</sup> degree murder

8. What was your plea? (check one):

(a) Not guilty X (b) Guilty        (c) Nolo contendere       

9. If you entered a plea of guilty to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty was negotiated, give details:       

10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

(a) Jury X (b) Judge without a jury       

11. Did you testify at the trial? Yes        No X

12. Did you appeal from the judgment of conviction? Yes X No       

13. If you did appeal, answer the following:

(a) Name of Court: Supreme Court of the State of Nevada

(b) Case number or citation: 78816

(c) Result: Denied

(d) Date of result: Copy Attached  
(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not:

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal?  
Yes \_\_\_\_\_ No X

16. If your answer to No. 15 was "yes", give the following information:

(a)(1) Name of court:

(2) Nature of proceeding:

(3) Grounds raised:

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes \_\_\_\_\_ No \_\_\_\_\_

(5) Result:

(6) Date of result:

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(b) As to any second petition, application or motion, give the same information:

(1) Name of court:

(2) Nature of proceeding:

(3) Grounds raised:

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes \_\_\_\_\_ No \_\_\_\_\_

(5) Result:

(6) Date of result:

(7) If known, citations of any written opinion or date of orders entered pursuant to such a result:

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes \_\_\_\_\_ No n/a

Citation or date of decision:

(2) Second petition, application or motion? Yes \_\_\_\_\_ No n/a

Citation or date of decision:

(3) Third or subsequent petitions, applications or motions? Yes \_\_\_\_\_ No n/a

Citation or date of decision:

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

(13d Attachment)

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 78816  
District Court Case No. C309820

**FILED**

FEB 17 2021

*Elizabeth A. Brown*  
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

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

JUDGMENT

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

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 03 day of November, 2020.

JUDGMENT

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

"Rehearing Denied."

Judgment, as quoted above, entered this 23 day of December, 2020.

JUDGMENT

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

"ORDER the petition DENIED."

Judgment, as quoted above, entered this 21 day of January, 2021.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme

C-15-309820-1  
CCJA  
NV Supreme Court Clerks Certificate/Judgm  
4844407



**Court at my Office in Carson City, Nevada this  
February 16, 2021.**

**Elizabeth A. Brown, Supreme Court Clerk**

**By: Kaitlin Meetze  
Administrative Assistant**

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 78816

**FILED**

NOV 03 2020

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

**ORDER OF AFFIRMANCE**

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of first-degree murder with use of a deadly weapon, two counts of capturing an image of the private area of another person, open or gross lewdness, and two counts of ownership or possession of a firearm by a prohibited person. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant Leonard Ray Woods argues that (1) the district court committed structural error during voir dire, (2) he did not knowingly and intelligently waive his right to counsel, (3) the district court abused its discretion in denying his motion to substitute counsel, (4) the State committed prosecutorial misconduct, (5) the district court erred in denying Woods's motion to suppress, (6) the district court allowed erroneous opinion testimony from a lay witness, (7) the district court failed to instruct the jury on all elements under NRS 202.360, and (8) cumulative error warrants reversal. We disagree and affirm the judgment of conviction.

*The district court did not abuse its discretion or commit structural error by modifying Woods's proposed voir dire questions*

Woods argues that the district court's modification or rejection of three of his proposed questions for the potential jurors was an abuse of



discretion. We review voir dire decisions for an abuse of discretion. *Morgan v. State*, 134 Nev. 200, 210, 416 P.3d 212, 223 (2018).

Woods proposed, among others, the following voir dire questions: (1) "What are your views on the [S]tate having no physical evidence for conviction?"; (2) "Do you believe someone who falsely accuses another should also be punished?"; and (3) "Do you believe officers who tamper with evidence or lie in trial should be punished?" The district court rejected the first question, reasoning that asking the prospective jurors their view on the State's evidence before trial commenced was improper. Further, the district court found that Woods's questions about punishment were irrelevant because the punishment of others did not pertain to his trial. Nonetheless, the court modified his proposed questions as follows: "Anybody have any disagreement with the statement that police officers could potentially do inappropriate things with evidence in a case?" and "Anybody have any disagreement with the statement that witnesses sometimes could lie or not be honest or falsely accuse people of things?"

Woods has presented no legal authority to show that the district court improperly rejected or modified his proposed questions, so he has not shown that the district court abused its discretion. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court."). Regardless, the record shows that Woods did not suffer prejudice because the district court asked the modified versions of Woods's questions. Moreover, the record belies Woods's claim that the district court did not ask all jurors what they thought about false accusations: it asked all 32 jurors whether they had ever been falsely

accused of a crime.<sup>1</sup> Thus, we conclude that the district court did not abuse its discretion or commit structural error.

*Woods knowingly and intelligently waived his right to counsel*

Woods argues that his conviction requires reversal because he did not knowingly and intelligently waive his right to counsel in violation of *Faretta v. California*, 422 U.S. 806, 835 (1975). He specifically contends that the district court did not advise him that he would waive his right to supplemental voir dire.

We review a district court's decision on a defendant's right to self-representation for an abuse of discretion. *Vanisi v. State*, 117 Nev. 330, 341, 22 P.3d 1164, 1171 (2001). We also "defer[] to the district court's decision to allow the defendant to waive his right to counsel." *Hooks v. State*, 124 Nev. 48, 55, 176 P.3d 1081, 1085 (2008).

To knowingly, intelligently, and voluntarily waive the right to counsel, the defendant should, [during a *Faretta* canvass,] . . . "be made aware of the dangers and disadvantages of self-representation, so that the record will establish that he knows what he is doing and his choice is made with eyes wide open."

*Id.* at 54, 176 P.3d at 1084 (quoting *Faretta*, 422 U.S. at 835 (internal quotation marks omitted)).

Here, during the *Faretta* canvass, the district court explained to Woods the difficulties and nuances of jury selection and asked Woods whether he understood. He responded that he did. The district court also

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<sup>1</sup>To the extent Woods is arguing that the district court erred by not asking other questions of prospective jurors who were eventually dismissed, he has not coherently explained how he was prejudiced by those alleged errors.

found that Woods was intelligent and capable of representing himself. Further, it explained to him the dangers and disadvantages of self-representation with respect to voir dire—and with self-representation in general—and he knowingly and intelligently waived his right to counsel. And contrary to Woods's contention, the district court at no point told him that he would be unable to conduct supplemental voir dire. Thus, we conclude that allowing Woods to represent himself was not an abuse of discretion.<sup>2</sup>

*The State relied upon facts not in evidence but this misconduct was harmless*

Woods contends that the State committed prosecutorial misconduct by relying upon facts not in evidence. We agree, but conclude that this misconduct was harmless.

We apply a two-step analysis to review prosecutorial misconduct claims. *Valdez v. State*, 124 Nev. 1172, 1188, 196 P.3d 465, 476 (2008). "First, we must determine whether the prosecutor's conduct was improper. Second, if the conduct was improper, we must determine whether the improper conduct warrants reversal." *Id.* (footnote omitted). "With respect to the second step of this analysis, this court will not reverse a conviction based on prosecutorial misconduct if it was harmless error." *Id.*

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<sup>2</sup>Woods adds that the district court abused its discretion by denying his motion for substitution of counsel. We conclude that the district court did not abuse its discretion by denying Woods's motions because he did not show good cause for substitution of counsel, and his requests were based on the subjective belief that he and his attorney had a breakdown in communication. See *Gallego v. State*, 117 Nev. 348, 363, 23 P.3d 227, 237 (2001) (recognizing that good cause to establish a substitution of counsel is not determined by the defendant's subjective perceptions), *abrogated on other grounds by Nunnery v. State*, 127 Nev. 749, 776 n.12, 263 P.3d 235, 253 n.12 (2011).

"It is improper for the State to refer to facts not in evidence." *Rose v. State*, 123 Nev. 194, 209, 163 P.3d 408, 418 (2007).

Here, on cross-examination, the State asked a witness whether Woods was the only person who knew that Josie Jones's assailant drove a Ford Taurus, and the witness answered in the affirmative. Two previous witnesses, however, had testified that the assailant drove away from the murder scene in a Ford Taurus. Moreover, the State's closing argument misstated the precise testimony of D.L. and D.L.'s friend about threats Woods made to Jones, and the State mischaracterized D.L.'s testimony about Woods observing D.L. from a bathroom window while she undressed. Thus, by mischaracterizing the testimony, the State relied upon facts not in evidence, which constitutes misconduct.

"[T]his court will not reverse a conviction based on prosecutorial misconduct if it was harmless error." *Valdez*, 124 Nev. at 1188, 196 P.3d at 476. "If the error is not of constitutional dimension, we will reverse only if the error substantially affects the jury's verdict." *Id.* at 1189, 196 P.3d at 476. "The level of misconduct necessary to reverse a conviction depends upon how strong and convincing is the evidence of guilt. If the issue of guilt or innocence is close, if the [S]tate's case is not strong, prosecutor misconduct will probably be considered prejudicial." *Gaxiola v. State*, 121 Nev. 638, 654, 119 P.3d 1225, 1236 (2005).

The evidence of Woods's guilt was overwhelming. Crucially, Woods made a phone call from jail stating that he "did something to [Jones], but I don't think she's gonna make it." The jury listened to the audio recording of this call, and had the opportunity to compare Woods's voice with the person who made the phone call. Moreover, the phone number Woods dialed from jail was a contact in his cell phone. Three eyewitnesses

identified Woods as the perpetrator of Jones's murder, including D.L., who exclaimed during and after Jones's stabbing that Woods was the perpetrator. Two police officers testified that Woods approached them and admitted involvement with an incident at the same location where Jones was murdered. Thus, we conclude that the overwhelming strength of this evidence renders any prosecutorial misconduct harmless.

*The district court did not err by denying Woods's motion to suppress*

Woods contends that the district court erred by failing to suppress the contents of his cell phone. He avers that the State's 21-day delay between seizing his cell phone and applying for a warrant to search it was unreasonable under the Fourth Amendment.

"Suppression issues present mixed questions of law and fact. This court reviews findings of fact for clear error, but the legal consequences of those facts involve questions of law that we review de novo. The reasonableness of a seizure is a matter of law reviewed de novo." *State v. Beckman*, 129 Nev. 481, 485-86, 305 P.3d 912, 916 (2013) (citation omitted) (internal quotation marks omitted). The United States Court of Appeals for the Ninth Circuit has held that a 21-day delay between seizing an item and obtaining a search warrant was reasonable pursuant to the Fourth Amendment. *United States v. Sullivan*, 797 F.3d 623, 635 (9th Cir. 2015).

In *Sullivan*, the defendant was on parole and filmed a pornographic video with a 14-year-old victim. *Id.* at 628. During a parole search, officers seized the defendant's laptop, digital camera, and cell phone. *Id.* at 629. Officers, however, did not obtain a search warrant for the laptop until 21 days later, partially because they needed to transfer the laptop to a forensic investigator. *Id.* at 629-30, 635. The defendant cited *United States v. Mitchell*, 565 F.3d 1347 (11th Cir. 2009) (holding that a 21-day

delay between seizure and application for a search warrant was unreasonable), to argue that the 21-day delay was unreasonable. *Sullivan*, 797 F.3d at 634. In rejecting the defendant's argument based on *Mitchell*,<sup>3</sup> the Ninth Circuit reasoned as follows:

During the entire time period when the laptop was retained by the government, [the defendant] was in custody on eight parole violation charges. He does not claim that he could have made use of the laptop while incarcerated or that he sought return of his laptop to himself or a third party. Where individuals are incarcerated and cannot make use of seized property, their possessory interest in that property is reduced.

*Id.* at 633 (citing *Segura v. United States*, 468 U.S. 796, 813 (1984) (plurality opinion)); see also *United States v. Johns*, 469 U.S. 478, 487 (1985) (holding that defendants who "never sought return of the property" failed to identify how "the delay in the search . . . adversely affected legitimate interests protected by the Fourth Amendment"). The Ninth Circuit also held that the 21-day delay was reasonable because the police needed to transfer the computer to a forensic investigator. *Sullivan*, 797 F.3d at 635. Thus, the Ninth Circuit held that evidence found on the laptop was properly admitted. *Id.*

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<sup>3</sup>Other courts have declined to extend the holding in *Mitchell*. See *United States v. Christie*, 717 F.3d 1166, 1162-64 (10th Cir. 2013) (holding that a five-month delay was reasonable after an investigator obtained property lawfully "and retain[ed] it without objection"); *United States v. Stabile*, 633 F.3d 219, 235-36 (3d Cir. 2011) (holding that a three-month delay was reasonable under the totality of the circumstances).

Here, officers seized Woods's cell phone and 21 days later obtained a warrant to search it. The district court found that Woods never requested the return of his cell phone,<sup>4</sup> and that police officers initially seized the phone and 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.

*The district court did not abuse its discretion by allowing lay testimony*

Woods argues that an officer testified to an improper legal conclusion by affirming the State's question, "Is it illegal for someone who is a felon to possess firearms?"

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<sup>4</sup>Although Woods stated that he had asked for the cell phone to be returned, the district court noted that Woods never alleged that in his written motions.

We review the decision to admit opinion testimony for an abuse of discretion. *See Watson v. State*, 94 Nev. 261, 264, 578 P.2d 753, 756 (1978) (“The admissibility and competency of opinion testimony, either expert or non-expert, is largely discretionary with the trial court . . .”). “Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.” NRS 50.295. “[A] direct opinion on guilt in a criminal case [is] inadmissible . . .” *Collins v. State*, 133 Nev. 717, 725, 405 P.3d 657, 665 (2017).

Here, the officer’s testimony was not an improper legal conclusion, specifically because the testimony did not express a direct opinion on the guilt or innocence of Woods. The officer merely affirmed that the law prohibits a felon from possessing a firearm, so we conclude that the district court did not abuse its discretion by admitting his testimony.

*The district court properly instructed the jury on NRS 202.360’s elements*

Woods argues that the district court failed to instruct the jury on an essential element of possession of a firearm by a prohibited person under NRS 202.360. He contends that the United States Supreme Court has held that, to secure a conviction for possession of a firearm by an ex-felon, the prosecution “must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant category of persons barred from possessing a firearm.” *Rehaif v. United States*, \_\_\_ U.S. \_\_\_, \_\_\_, 139 S. Ct. 2191, 2200 (2019). Woods contends that we adopted all the elements of illegal firearm possession as articulated by *Rehaif* in *Hager v. State*, 135 Nev. 246, 447 P.3d 1063 (2019), and that the district



court did not instruct the jury on whether Woods knew he belonged to the class of persons barred from possessing a firearm.

"[W]e review de novo whether a particular [jury] instruction . . . comprises a correct statement of the law." *Cortinas v. State*, 124 Nev. 1013, 1019, 195 P.3d 315, 319 (2008).

In *Rehaif*, the Supreme Court concluded that a conviction for illegal firearm possession under 18 U.S.C.A. § 922(g) (West 2015) and U.S.C.A. § 924(a)(2) (West 2018) required the prosecution to prove that the defendant knew he possessed a firearm and that he knew he was barred from possessing a firearm." \_\_\_ U.S. at \_\_\_, 139 S. Ct. at 2200. In *Hager*, we explained the following with respect to Nevada's felon-in-possession statute:

*Similar to its federal counterpart, illegal firearm possession under NRS 202.360 has three main elements: (1) a status element (the defendant falls within one of the categories of person the statute prohibits from possessing a firearm); (2) a possession element ("[a] person shall not . . . have in his or her possession"); and (3) a firearms element ("any firearm").*

135 Nev. at 249, 447 P.3d at 1066 (emphasis added).


The district court did not err by not instructing the jury that Woods had to know that he belonged to the relevant category of persons barred from possessing a firearm. *Hager* did not interpret NRS 202.360 as requiring the State to prove an element of knowledge. *Id.* Further, unlike the federal statute, NRS 202.360 does not require the State to prove the defendant "knowingly" possessed a firearm during sentencing. Compare 18 U.S.C.A. § 924(a)(2) (West 2018), with NRS 202.360(1). Based on the record,


we conclude that the district court properly instructed the jury on the elements of NRS 202.360(1).

Accordingly, we

ORDER the judgment of conviction AFFIRMED.<sup>6</sup>

 J.  
Parraguirre

 J.  
Hardesty

 J.  
Cadish

<sup>6</sup>Woods also raises other issues pertaining to supplemental voir dire, the State's opening statement and use of PowerPoint, golden-rule arguments, references to his in-custody status and criminal history, and the State's use of leading questions—but he failed to preserve these issues with objections at trial, or objected but did not state the specific grounds, so we review them for plain error. *Vega v. State*, 126 Nev. 332, 338, 236 P.3d 632, 638 (2010); *see also* NRS 47.040(1)(a) (stating that parties must state the specific ground for an objection). Under plain-error review, the “appellant must demonstrate that: (1) there was an error; (2) the error is plain, meaning that it is clear under current law from a casual inspection of the record; and (3) the error affected the defendant’s substantial rights.” *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (internal quotation marks omitted), *cert. denied*, \_\_\_ U.S. \_\_\_, 139 S. Ct. 415 (2018). Woods has not shown that any of the alleged errors affected his substantial rights, so he fails to prove any plain error. Further, none of the alleged errors would have affected his substantial rights because, as we discussed, overwhelming evidence supported the verdict. *Green v. State*, 119 Nev. 542, 548, 80 P.3d 93, 97 (2003). Thus, we conclude that none warrant relief under the plain-error rule.

Finally, Woods contends that cumulative error warrants reversal. We disagree because, consistent with the foregoing analysis, the State presented overwhelming evidence of Woods’s guilt.

cc: Hon. Douglas W. Herndon, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 78816

**FILED**

DEC 23 2020

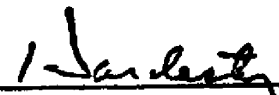
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

**ORDER DENYING REHEARING**

Rehearing denied. NRAP 40(c).

It is so ORDERED.

 J.  
Parraguirre

 J.  
Hardesty

 J.  
Cadish

cc: Hon. Douglas W. Herndon, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 78816

**FILED**

JAN 21 2021

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

**ORDER DENYING EN BANC RECONSIDERATION**

Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

L. Hardesty, C.J.  
Hardesty

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

Cadish, J.  
Cadish

Silver, J.  
Silver

Pickering, J.  
Pickering

<sup>1</sup> The Honorable Douglas W. Herndon, Justice, did not participate in the decision of this matter.

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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

**Supreme Court No. 78816**  
**District Court Case No. C309820**

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

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

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.  
Original State's Exhibits 1 & 72

DATE: February 16, 2021

Elizabeth A. Brown, Clerk of Court

By: Kaitlin Meetze  
Administrative Assistant

cc (without enclosures):

Douglas W. Herndon  
Clark County Public Defender  
Clark County District Attorney

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on FEB 17 2021.

HEATHER UNGERMANN

Deputy District Court Clerk

**RECEIVED  
APPEALS**

**FEB 17 2021**

**CLERK OF THE COURT**

1

21-04390

cc: Hon. Douglas W. Herndon, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: Ineffective assistance of counsel

(b) The proceedings in which these grounds were raised: Appellate proceedings

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) grounds were not properly addressed in its entirety

18. If any of the grounds listed in No. 's 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than one year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) I am filing less than one year of the decision

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes ☐ No ☒  
If yes, state what court and case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: Julia Murray, public defender; Deborah Westbrook, appellate public defender

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes ☐ No ☒  
If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully, summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.



(a) **Ground One:** Defendant denied repeatedly the right to dismiss counsel resulting in ineffective assistance of counsel

**Supporting FACTS** (Tell your story briefly without citing cases or law.): There was sufficient evidence and no question of significant breakdown in the relationship between defendant and counsel. Among such things as counsel violating court ordered visitation and using racial derogatory statements toward defendant. Motions to dismiss denied 6-29-16; 11-21-16; 10-25-17 grievance to State Bar of Nevada 1-20-16. No reasonable or constitution law ever stated why counsel shouldn't be dismissed.

(b) **Ground Two:** The District Court erred and abused its discretion when it failed to conduct an evidentiary hearing denying defendant's motion (11-1-2018)

**Supporting FACTS** (Tell your story briefly without citing cases or law.): There was evidence showing Detective Shane illegally obtaining evidence, forging Judge Scisciento's signature, falsifying documents. Defendant denied cross-examining Det. Shane in court. Det. Shane refused to show. Evidence of officer Reyes falsifying documents.

(c) **Ground Three:** District Court abused its discretion when it denied defense's motion to review officer's files

**Supporting FACTS** (Tell your story briefly without citing cases or law.): Defendant was denied the right to review officer's files when it is his right solely upon request.

(d) **Ground Four:** District Court abused its discretion by granting the defendant's motion to proceed pro se and dismissing attorney of record in the same hearing making the dismissed counsel stay on as his counsel.

**Supporting FACTS** (Tell your story briefly without citing cases or law.): The judge told defendant the only way to dismiss counsel was to represent himself at the same time granting the motion and forcing the same counsel on the defendant violating his rights.

cont. attach. →

(e) Ground Five: The district court erred in denying (pro se) defendant financial assistance / court appointed assistance.

supporting facts: defendant was denied an investigator, expert witnesses, out-of-town subpoenaed witnesses, supplies and significant access to law library or law library materials to prepare a meaningful defense.

(f) Ground Six: The district court abused its discretion by giving the defendant six (6) months to prepare for a murder trial.

supporting facts: Pro Se motion granted on 9-11-18. Trial started on 3-18-19. There is no way a professional attorney can prepare for a murder trial in 6 months let alone a pro se defendant.

(h) Ground Seven: Prosecutors failed to provide all exculpatory evidence to defense.

supporting facts: Materials such as fingerprint evidence, DNA, physical evidence and the like were known by the prosecutors but kept from the defense violating his rights.

(i) Ground Eight: Prosecutors met with, swayed, or coached witnesses.

supporting facts: Prosecutors provided benefits and cooperation agreements to witnesses.

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

EXECUTED at Ely State Prison, on the 21<sup>st</sup> day of the month of May of the year 2021.

A. Wood

Signature of petitioner

Ely State Prison  
Post Office Box 1989  
Ely, Nevada 89301-1989

n/a

Signature of Attorney (if any)

Attorney for petitioner

Address

#### VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.

Leonard Woods

Petitioner

Attorney for petitioner

ESP LAW LIBRARY

**AFFIRMATION PURSUANT TO: N.R.S. 239B.010**

I, HEREBY CERTIFY THAT I AM THE UNDERSIGNED  
INDIVIDUAL AND THAT THE ATTACHED DOCUMENT  
THAT IS ENTITLED: HABEAS CORPUS APPEAL

\_\_\_\_\_, DOES NOT  
CONTAIN THE SOCIAL SECURITY NUMBER OF ANY  
PERSON, UNDER THE PAINS AND PENALTIES OF  
PERJURY, THIS, 21, DAY OF, May, 2021.

SIGNATURE: L. Woods

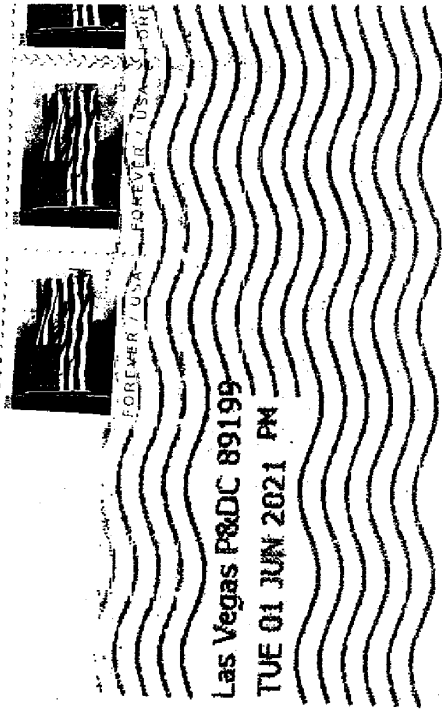
INMATE NAME PRINTED: Leonard Woods

INMATE NUMBER: 1216972

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

**ESP LAW LIBRARY**

Leonard Woods 121647Z  
ELY STATE PRISON  
4569 North State Rt.  
P.O. BOX 1989  
ELY, Nevada 89301



Clark County Courthouse  
c/o Clerk of the Courts  
200 Lewis Avenue  
Las Vegas, Nevada 89101

THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
28  
WILL FOLLOW VIA  
U.S. MAIL

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DOCUMENT,  
NUMBERED PAGE(S)  
29 - 34  
WILL FOLLOW VIA  
U.S. MAIL

FILED

JUN 10 2021

*John J. Johnson*  
CLERK OF COURT

IN THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Leonard R. Woods  
Petitioner

CASE NO. ■

A-21-836056-W

-VS-

DEPT NO.

Dept. 10

STATE OF Nevada

Respondent

Motion For The Appointment of Counsel

Request For Evidentiary Hearing

Comes Now, the petitioner, Leonard R. Woods, proceeding pro se, within the above entitled cause of action and respectfully requests this Court to consider the appointment of counsel for Petitioner for the prosecution of this action.

This motion is made and based upon the matters set forth here, Local Rule 7-2 of the Local Rules Of Practice, Rule 7 of the Federal Rules of Civil Procedure, Rule 11 of the Rules Governing Section 2254 Cases, the attached Memorandum of Points and Authorities, as well as all other pleadings and documents on file within this case.

Memorandum Of Points And Authorities

I. Statement Of The Case

(1/6) This action commenced by Petitioner Leonard Woods, in state custody, pursuant to Title 28, Section 2254, petition for



1 Writ of Habeas Corpus

2

3

## II. Statement Of The Facts

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To support the Petitioner's need for appointment of counsel in this action, he states the following:

1.) Petitioner is limited in his access to federal case law and other materials due to the Nevada Department of Corrections decision to refuse to supply any additions and/or updates to the Federal Practice Digest 4<sup>th</sup> Edition; United States Code Service; and United States Code Annotated, since 2001. See Exhibit 1, Letter to Inmate Services and answer in response. Also Exhibit 2, Letter to Board of Prison Commissioner's and Response

2.) The merits of claims for relief in this action are of Constitutional dimension, and Petitioner is likely to succeed in this case.

3.) Petitioner is incarcerated at the Ely State Prison in Ely, Nevada. Petitioner is unable to ~~initiate~~ undertake the ability, ~~as~~ as an attorney would or could, to investigate crucial facts involved within the Petition for Writ of Habeas Corpus.

4.) The issues presented in the Petition involves a complexity that Petitioner is unable to argue effectively.

1 5.) Petitioner does not have the current legal  
2 knowledge and abilities, as an attorney would have, to properly  
3 present this case to this Court coupled with the fact that  
4 appointed counsel would be of service to the Court, Petitioner,  
5 and the Respondents as well, by sharpening the issues in this  
6 case, shaping the examination of potential witnesses and  
7 ultimately shortening the time of the prosecution of this case.

8  
9 6.) Petitioner has made an effort to obtain counsel, but  
10 does not have the funds necessary or available to pay for the  
11 costs of counsel, see Declaration of Petitioner.

12  
13 7.) Petitioner would need to have an attorney appointed  
14 to assist in the determination of whether he should agree to  
15 sign consent for a psychological examination.

16  
17 8.) The prison severely limits the hours that Petitioner  
18 may have access to the Law Library, as well as the facility has  
19 very limited legal research materials and sources.

20  
21 9.) While the Petitioner does have the assistance of  
22 a prison law clerk, he/she is not an attorney and not allowed to  
23 plead before the Courts and like Petitioner, the legal assistants  
24 have limited knowledge and expertise.

25  
26 10.) The Petitioner and his assisting law clerks, by reason  
27 of their imprisonment, have a severely limited ability to investigate,

1 or take depositions, expand the record or otherwise litigate this action.

2

3 11.) The ends of justice will be served in this case by  
4 the appointment of professional and competent counsel to represent Petitioner.

5

## 6 II. ARGUMENT

7

8 Motions for the appointment of counsel under 28 U.S.C.,  
9 Section 1915(d), and are addressed to the sound discretion of  
10 the Court. See, United States v. McQuade, 579 F.2d 1180  
11 (9<sup>th</sup> Cir. 1978). Under 28 U.S.C., Section 1915(d), the Court  
12 may request an attorney to represent any such person unable to  
13 employ counsel. On a Motion for Appointment of Counsel pursuant  
14 to 28 U.S.C., Section 1915(d), the District Court should  
15 consider whether appointment of counsel would be of service to  
16 the indigent petitioner, the Court, and respondents as well, by  
17 sharpening the issues in the case, shaping examination of witnesses,  
18 and ultimately shortening trial and assisting in the just determination.  
19 See, Ulmer v. Chancellor, 691 F.2d 209 (5<sup>th</sup> Cir. 1982).

20 In order for the appointment of counsel to be granted,  
21 the Court must consider several factors to be met in order for  
22 the appointment of counsel to be granted; (1) the merits of the claim  
23 for relief; (2) The ability to investigate crucial factors; (3) whether  
24 evidence consists of conflicting testimony effectively treated on by counsel;  
25 (4) The ability to present the case; and (5) The complexity of the legal  
26 issues raised in the petition. See, Gedwin v. Wisconsin Gas Co., 782 F.  
27 Supp. 1019 (E.D. Wis. 1992). And finally the District Court's decision is

(4/6)

28

1 subject to the abuse of discretion review. See Richardson v. Henry,  
2 902 F.2d 414, 417 (5<sup>th</sup> Cir.) cert. Denied, 498 U.S. 901 111 S.Ct. 260,  
3 112 L.Ed. 2d. 218 (1990); also United States v. 30 1/4 Acres of Land, 795  
4 F.2d. 796, at 604 (9<sup>th</sup> Cir. 1986)

5 Also, the law as to what is needed and required in  
6 a prison law library has been addressed and settled by the  
7 federal courts here in Nevada. See Craig v. Hocker, 405 F. Supp  
8 656 (D. Nev. 1975). There are also Ninth Circuit cases that deal  
9 with the requirements of law library; Johnson v. Moore 948 F.2d.  
10 517, 521 n.2 (9<sup>th</sup> Cir. 1991); Lindquist v. Idaho State Bd. of Corrections,  
11 716 F.2d 851, 856 n.1, (9<sup>th</sup> Cir. 1985); and, a holding that inmates  
12 need not make a showing of prejudice where core Bounds  
13 requirements are denied, see Harris v. Maloney, 827 F. Supp. 1489 (D. Mont. 1993)  
14 The Ninth Circuit in Casey v. Lewis 43 F.3d. 1261 (9<sup>th</sup> Cir. 1994), also held  
15 that updates are required, which was not overturned by the Supreme Court's  
16 decision in Lewis v. Casey, 116 S.Ct. 2174, 518 U.S. 354 (1996).

### 17 18 III. CONCLUSION

19  
20 Based upon the facts and law presented herein, Petitioner  
21 would respectfully request this Court to weigh the factors involved  
22 within this case, and appoint counsel for Petitioner to assist this  
23 Court in the just determination of this action

24  
25 Dated this 21<sup>st</sup> day of May, 2021.

26 ELY STATE PRISON

27 P.O. Box 1989

Leonard R. Woods  
Petitioner

(5/6) 28 ELY, Nevada 89301

1 VERIFICATION

2  
3 I declare, affirm and swear under the penalty of  
4 perjury that all the above facts, statements and assertions are  
5 true and correct of my own knowledge. As to any such matters  
6 stated upon information or belief, I swear that I believe them  
7 all to be true and correct.  
8

9 Dated this 21<sup>st</sup> day of May, 2021

10 Leonard R. Woods  
11 Petitioner, pro per  
12  
13

14 Certificate Of Service By Mail

15  
16 I hereby certify that a true and correct copy of the foregoing  
17 document was mailed to:  
18

19 CLERK OF THE COURT

20 DISTRICT OF NEVADA

21 EIGHTH JUDICIAL DISTRICT  
22  
23  
24

25 On this 21<sup>st</sup> day of May, 2021

26 Leonard R. Woods  
27 Petitioner pro se  
28

CERTIFICATE OF SERVICE BY MAIL

I, Leonard Woods, hereby certify pursuant to N.R.C.P. 5(b),  
that on this 21<sup>st</sup> day of the month of May, of the year  
2021 I mailed a true and correct copy of the foregoing  
PETITION FOR WRIT OF HABEAS CORPUS addressed to:

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

Steve Wolfson /  
Michelle Fleck

District Attorney of County of Conception  
309 South Third Street  
Las Vegas, NV 89155

ELY STATE PRISON

P.O. Box 1989

Elko, Nevada 89301

Leonard Woods

*L. Woods*

1 PPOW

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 Leonard Ray Woods,

6 Petitioner,

7 vs.

8 State of Nevada,

9 Respondent,

Case No: A-21-836056-W  
Department 10

ORDER FOR PETITION FOR  
WRIT OF HABEAS CORPUS

11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on  
12 June 10, 2021. The Court has reviewed the Petition and has determined that a response would assist the  
13 Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good  
14 cause appearing therefore,

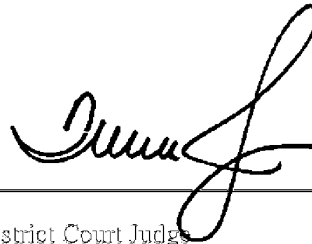
15 IT IS HEREBY ORDERED that Respondent shall, within 45 days after the date of this Order,  
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS  
17 34.360 to 34.830, inclusive.

18 IT IS HEREBY FURTHER ORDERED that this matter shall be placed on this Court's

19 Calendar on the 8 day of September, 2021, at the hour of

20 8:30 AM  
21 \_\_\_\_\_ o'clock for further proceedings.

Dated this 15th day of June, 2021

22  
23  
24  
25   
26 \_\_\_\_\_  
27 District Court Judge

28 CAB D6D E36C FF98  
Tierra Jones  
District Court Judge

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4		
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 Electronic service was attempted through the Eighth Judicial District Court's  
12 electronic filing system, but there were no registered users on the case.

13  
14 If indicated below, a copy of the above mentioned filings were also served by mail  
15 via United States Postal Service, postage prepaid, to the parties listed below at their last  
known addresses on 6/16/2021

16 Leonard Woods	#1216972
	ESP
	P.O. Box 1989
	Ely, NV, 89301



DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\*



Leonard Woods, Plaintiff(s)	Case No.: A-21-836056-W
vs.	
State of Nevada, Defendant(s)	Department 10

**NOTICE OF HEARING**

Please be advised that the Plaintiff's Motion for Appointment of Attorney Request for Evidentiary Hearing in the above-entitled matter is set for hearing as follows:

**Date:** September 08, 2021  
**Time:** 8:30 AM  
**Location:** RJC Courtroom 14B  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court



1 **RESP**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 TALEEN PANDUKHT  
6 Chief Deputy District Attorney  
7 Nevada Bar #05734  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 LEONARD RAY WOODS,  
10 #1901705

Petitioner,

-vs-

12 THE STATE OF NEVADA,

Respondent.

CASE NO: A-21-836056-W

(C-15-309820-1)

DEPT NO: X

15 **STATE'S RESPONSE TO PETITION FOR**  
16 **WRIT OF HABEAS CORPUS (POSTCONVICTION)**  
17 **and**  
18 **MOTION FOR THE APPOINTMENT OF COUNSEL AND**  
19 **REQUEST FOR EVIDENTIARY HEARING**

DATE OF HEARING: September 8, 2021  
TIME OF HEARING: 8:30 PM

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
21 District Attorney, through TALEEN PANDUKHT, Chief Deputy District Attorney, and  
22 hereby submits the attached Points and Authorities in Response to Petitioner's Petition for  
23 Writ of Habeas Corpus (Post-Conviction) and Petitioner's Motion for the Appointment of  
24 Counsel and Request for Evidentiary Hearing.

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

28 ///

\\CLARKCOUNTYDA.NET\CRM\CASE2\2015\345\78\201534578C-RSPN-(LEONARD RAY WOODS)-001.DOCX

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

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 that 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 that he did not want to  
2 represent himself.

3 On October 25, 2017, Petitioner's 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. The State now responds to both pleadings, as follows.

#### 14 STATEMENT OF FACTS

15 The Court relied on the following when sentencing Petitioner:

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

28 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  
he repeatedly yelled out "bitch." Victim #1 ran into the business and screamed  
for help and when she ran back outside, she found victim #2 on the sidewalk  
bleeding and struggling to breathe. Victim #1 told the detectives the defendant

1 had threatened numerous times to kill both victim #2 and victim #1, and  
2 threatened to burn their house down.

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

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

16 PSI at 6-7.

## 17 ARGUMENT

### 18 I. PETITIONER'S CLAIMS ARE SUBJECT TO RES JUDICATA AND THE 19 LAW OF THE CASE DOCTRINE

20 The Nevada Supreme Court has explained that "[t]he law of a first appeal is law of the  
21 case on all subsequent appeals in which the facts are substantially the same." Hall v. State, 91  
22 Nev. 314, 315, 535 P.2d 797, 798 (1975) (quoting Walker v. State, 85 Nev. 337, 343, 455 P.2d  
23 34, 38 (1969)). "The doctrine of the law of the case cannot be avoided by a more detailed and  
24 precisely focused argument subsequently made after reflection upon the previous  
25 proceedings." Id. at 316, 535 P.2d at 799. Under the law of the case doctrine, issues previously  
26 decided on direct appeal may not be reargued in a habeas petition. Pellegrini v. State, 117 Nev.  
27 860, 879, 34 P.3d 519, 532 (2001) (citing McNelson v. State, 115 Nev. 396, 414-15, 990 P.2d  
28 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 should be summarily denied. Pellegrini, 117  
20 Nev. at 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.

1 As in *Sullivan*, Woods's in-custody status for five days during the  
2 delay—and more importantly his failure to request the return of his cell phone—  
3 significantly reduced his possessory interest in it. *Id.* at 633; *see also Christie*,  
4 717 F.3d at 1163 (holding that the defendant's failure to request the return of the  
5 property reduced his possessory interest in it). Also as in *Sullivan*, the delay here  
6 was partially because officers had to transfer the cell phone to detectives for a  
7 forensic examination. *See* 797 F.3d at 635. Thus, we conclude that the district  
8 court did not err by denying Woods's motion to suppress the contents of his cell  
9 phone.

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

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

## 18 **II. PETITIONER'S REMAINING CLAIMS ARE WAIVED BY PETITIONER'S** 19 **FAILURE TO RAISE THEM ON DIRECT APPEAL**

20 Pursuant to NRS 34.810:

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

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

- 24 (1) Presented to the trial court;  
25 (2) Raised in a direct appeal or a prior petition for a writ of habeas corpus  
26 or postconviction relief...  
27 unless the court finds both cause for the failure to present the grounds and actual  
28 prejudice to the petitioner.

(Emphasis added).

29 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and  
30 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-  
31 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be  
32 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"  
33 *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)  
34 (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 that the “district court abused its discretion when it denied defense’s  
15 motion to review officer’s files.” Instant Petition at 23. Petitioner’s Ground Four asserts that  
16 the Court somehow *violated* Petitioner’s rights by *granting* Petitioner’s request to represent  
17 himself, and appointing Petitioner’s previous counsel as stand-by counsel. Instant Petition at  
18 23. Petitioner’s Ground Five claims that the Court erred by denying financial assistance and/or  
19 court appointed assistance to Petitioner. Instant Petition at 24. Petitioner’s Ground Six argues  
20 that the Court “abused its discretion by giving the defendant six (6) months to prepare for a  
21 murder trial.” Instant Petition at 24. Petitioner’s Ground Seven asserts that the State failed to  
22 disclose all exculpatory evidence to Petitioner. Instant Petition at 24. Petitioner’s final ground  
23 claims that the State “met with, swayed, or coached witnesses.” Instant Petition at 24. Indeed,  
24 Petitioner does not raise a single claim of ineffective assistance of counsel, which would be  
25 proper to bring in the first instance in this action. Franklin, 110 Nev. at 752, 877 P.2d at 1059.  
26 Because these claims should have – and necessarily could have – been raised on direct appeal,  
27 they should now be considered waived by Petitioner’s failure to raise them thus. Id.

28 ///

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

### 4       **III. PETITIONER'S CLAIMS ARE NOT SUFFICIENTLY PLED**

5       The Nevada Supreme Court has explained that a party seeking review bears the  
6 responsibility "to cogently argue, and present legal authority" to support his assertions.  
7 Edwards v. Emperor's Garden Restaurant, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38  
8 (2006); Dept. of Motor Vehicles and Public Safety v. Rowland, 107 Nev. 475, 479, 814 P.2d  
9 80, 83 (1991) (defendant's failure to present legal authority resulted in no reason for the district  
10 court to consider defendant's claim); Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987)  
11 (an arguing party must support his arguments with relevant authority and cogent argument;  
12 "issues not so presented need not be addressed"); Randall v. Salvation Army, 100 Nev. 466,  
13 470-71, 686 P.2d 241, 244 (1984) (court may decline consideration of issues lacking citation  
14 to relevant legal authority); Holland Livestock v. B & C Enterprises, 92 Nev. 473, 533 P.2d  
15 950 (1976) (issues lacking citation to relevant legal authority do not warrant review on the  
16 merits).

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

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

28       ///

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. Furthermore, the sparsity in Petitioner's pleading makes it impossible for the State  
4 to substantively respond to Petitioner's individual Grounds, as the State cannot reasonably be  
5 expected to argue against itself. Therefore, the State respectfully submits that the instant  
6 Petition is subject only to summary dismissal as bare and naked, and insufficiently pled.

#### 7 **IV. PETITIONER FAILS TO DEMONSTRATE HE IS ENTITLED TO** 8 **APPOINTMENT OF COUNSEL**

9 Under the United States Constitution, the Sixth Amendment provides no right to  
10 counsel in post-conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S.Ct.  
11 2546, 2566 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the  
12 Nevada Supreme Court similarly observed, "[t]he Nevada Constitution...does not guarantee a  
13 right to counsel in post-conviction proceedings, as we interpret the Nevada Constitution's right  
14 to counsel provision as being coextensive with the Sixth Amendment to the United States  
15 Constitution." McKague specifically held that, with the exception of NRS 34.820(1)(a)  
16 (entitling appointed counsel when petitioner is under a sentence of death), one does not have  
17 "any constitutional or statutory right to counsel at all" in post-conviction proceedings. Id. at  
18 164, 912 P.2d at 258.

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

22 NRS 34.750 reads:

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

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

1 Under NRS 34.750, it is clear that the court has discretion in determining whether to  
2 appoint counsel. The Nevada Supreme Court has observed that a petitioner “must show that  
3 the requested review is not frivolous before he may have an attorney appointed.” *Peterson v.*  
4 *Warden, Nevada State Prison*, 87 Nev. 134, 136, 483 P.2d 204, 205 (1971) (citing former  
5 statute NRS 177.345(2)).

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

25 A review of Petitioner’s instant Petition, and his request, demonstrate that Petitioner  
26 does not meet the NRS 34.750 factors. First, Petitioner includes eight (8) separate Grounds,  
27 each of which are bare and naked, and lacking in specificity. *See* Section III, *supra*. Moreover,  
28 each of Petitioner’s claims are barred by the law of the case doctrine, or were waived by

1 Petitioner's failure to raise them on direct appeal. See Sections I-II, *supra*. Therefore, because  
2 the issues raised by Petitioner are not suitable for review, the instant Petition should be  
3 summarily dismissed, and cannot entitle Petitioner to discretionary appointment of counsel.  
4 NRS 34.750(a); Renteria-Novoa, 133 Nev. at 76, 391 P.3d at 760-61.

5 Second, in the underlying proceedings, Petitioner requested that he be canvassed  
6 pursuant to Faretta, and was found competent to represent himself. Further, Petitioner has  
7 formulated eight (8) separate claims for relief. See Instant Petition at 23-24. Petitioner has not,  
8 and does not now, argue that he has any difficulties with the English language. See id.  
9 Therefore, it is clear that Petitioner, while unhappy with the results of his underlying case,  
10 comprehends the proceedings, thus not necessitating the discretionary appointment of counsel.  
11 NRS 34.750(b); Renteria-Novoa, 133 Nev. at 76, 391 P.3d at 760-61.

12 Finally, Petitioner has not alleged that further discovery is necessary in this matter. See  
13 generally Motion to Appoint. Instead, Petitioner's request for counsel seems to be an assertion  
14 that the prison law library is insufficient, and/or that counsel would be helpful. See id.  
15 However, neither of these assertions are statutory factors to be considered regarding the  
16 discretionary appointment of counsel. See NRS 34.750; see also Renteria-Novoa, 133 Nev.  
17 75, 391 P.3d 760. Therefore, because Petitioner has not alleged that further discovery is  
18 necessary, and because his pleadings have shown his ability to formulate his claims, Petitioner  
19 does not show that counsel is necessary.

20 Because the statutory factors and the Renteria-Novoa analysis weigh *against* the  
21 discretionary appointment of counsel, the State requests that this Court deny Petitioner's  
22 Motion for the Appointment of Counsel.

23 **V. PETITIONER DOES NOT DEMONSTRATE THE NEED FOR AN**  
24 **EVIDENTIARY HEARING**

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

- 26 1. The judge or justice, upon review of the return, answer and all supporting  
27 documents which are filed, shall determine whether an evidentiary hearing  
28 is required. A petitioner must not be discharged or committed to the custody  
of a person other than the respondent *unless an evidentiary hearing is held.*

2. If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, he shall dismiss the petition without a hearing.
3. If the judge or justice determines that an evidentiary hearing is required, he shall grant the writ and shall set a date for the hearing.

(Emphasis added).

The Nevada Supreme Court has held that if a petition can be resolved without expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev. 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A defendant is entitled to an evidentiary hearing if his petition is supported by specific factual allegations, which, if true, would entitle him to relief unless the factual allegations are repelled by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove, 100 Nev. at 503, 686 P.2d at 225 (holding that “[a] defendant seeking post-conviction relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the record”). “A claim is ‘belied’ when it is contradicted or proven to be false by the record as it existed at the time the claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002). Indeed, it is improper to hold an evidentiary hearing simply to make a complete record. See State v. Eighth Judicial Dist. Court, 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (“The district court considered itself the ‘equivalent of . . . the trial judge’ and consequently wanted ‘to make as complete a record as possible.’ This is an incorrect basis for an evidentiary hearing.”).

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

Because Petitioner fails to set forth any reasoning to support expanding the record, and because the instant Petition may be resolved without such expansion, the State respectfully requests that this Court deny Petitioner’s Request for Evidentiary Hearing.

///

1 CONCLUSION

2 For the foregoing reasons, the State respectfully requests that the instant Petition for  
3 Writ of Habeas Corpus be summarily DENIED. The State further requests that Petitioner's  
4 contemporaneous Motion for Appointment of Counsel and Request for Evidentiary Hearing  
5 likewise be DENIED.

6 DATED this 29th day of July, 2021.

7 Respectfully submitted,

8 STEVEN B. WOLFSON  
9 Clark County District Attorney  
Nevada Bar #1565

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

13  
14  
15 CERTIFICATE OF MAILING

16 I hereby certify that service of the above and foregoing was made this 29th day of July,  
17 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  
4569 N. STATE ROUTE 490  
20 ELY, NEVADA 89301

21 BY /s/ J.HAYES  
22 Secretary for the District Attorney's Office

23  
24  
25  
26  
27  
28 15F11579X/TP/jh/MVU

**FFCO**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**TALEEN PANDUKHT**  
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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 8<sup>th</sup> 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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\\CLARKCOUNTYDA.NET\CRM\CASE2\2015\345\78\201534578C-FFCO-(LEONARD RAY WOODS)-001.DOCX

Statistically closed: USJR - CV - Other Manner of Disposition (USJROT)



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.

1 As in *Sullivan*, Woods's in-custody status for five days during the  
2 delay—and more importantly his failure to request the return of his cell phone—  
3 significantly reduced his possessory interest in it. *Id.* at 633; *see also Christie*,  
4 717 F.3d at 1163 (holding that the defendant's failure to request the return of the  
5 property reduced his possessory interest in it). Also as in *Sullivan*, the delay here  
6 was partially because officers had to transfer the cell phone to detectives for a  
7 forensic examination. *See* 797 F.3d at 635. Thus, we conclude that the district  
8 court did not err by denying Woods's motion to suppress the contents of his cell  
9 phone.

10 Order of Affirmance at 8. Therefore, the Nevada Supreme Court already determined that the  
11 Court's denial of Petitioner's Motion to Suppress was proper; as such, Petitioner cannot  
12 successfully assert that an evidentiary hearing was necessary. *Pellegrini*, 117 Nev. at 879, 34  
13 P.3d at 532. Because the substance of this claim was already considered, Petitioner's Ground  
14 Two is summarily denied under the law of the case doctrine. *Hall*, 91 Nev. at 315, 535 P.2d at  
15 798.

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

## 18 **II. PETITIONER'S REMAINING CLAIMS ARE WAIVED BY PETITIONER'S** 19 **FAILURE TO RAISE THEM ON DIRECT APPEAL**

20 Pursuant to NRS 34.810:

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

22 ...

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

25 (1) Presented to the trial court;

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

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

(Emphasis added).

29 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and  
30 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-  
31 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be  
32 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"  
33 *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)  
34 (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 ///

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

### 4       **III.    PETITIONER'S CLAIMS ARE NOT SUFFICIENTLY PLED**

5       The Nevada Supreme Court has explained that a party seeking review bears the  
6 responsibility "to cogently argue, and present legal authority" to support his assertions.  
7 Edwards v. Emperor's Garden Restaurant, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38  
8 (2006); Dept. of Motor Vehicles and Public Safety v. Rowland, 107 Nev. 475, 479, 814 P.2d  
9 80, 83 (1991) (defendant's failure to present legal authority resulted in no reason for the district  
10 court to consider defendant's claim); Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987)  
11 (an arguing party must support his arguments with relevant authority and cogent argument;  
12 "issues not so presented need not be addressed"); Randall v. Salvation Army, 100 Nev. 466,  
13 470-71, 686 P.2d 241, 244 (1984) (court may decline consideration of issues lacking citation  
14 to relevant legal authority); Holland Livestock v. B & C Enterprises, 92 Nev. 473, 533 P.2d  
15 950 (1976) (issues lacking citation to relevant legal authority do not warrant review on the  
16 merits).

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

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

28    ///



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  
24 appoint counsel at the time the court orders the filing of an answer and a return.  
25 In making its determination, the court may consider whether:

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

Under NRS 34.750, it is clear that the court has discretion in determining whether to  
appoint counsel. More recently, the Nevada Supreme Court examined whether a district court  
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).

The Nevada Supreme Court has held that if a petition can be resolved without  
expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.  
1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A  
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.

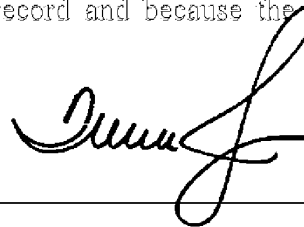
17 Because Petitioner fails to set forth any reasoning to support expanding the record, and  
18 because the instant Petition may be resolved without such expansion, Petitioner’s Request for  
19 Evidentiary Hearing is denied.

#### 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.



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  
4569 N. STATE ROUTE 490  
ELY, NEVADA 89301

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

28 15F11579X/TP/jh/MVU

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5 Leonard Woods, Plaintiff(s)	CASE NO: A-21-836056-W
6 vs.	DEPT. NO. Department 10
7 State of Nevada, Defendant(s)	

8

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

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 8<sup>th</sup> 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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\\CLARKCOUNTYDA.NET\CRM\CASE2\2015\345\78\201534578C-FFCO-(LEONARD RAY WOODS)-001.DOCX

Statistically closed: USJR - CV - Other Manner of Disposition (USJROT)



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.

1 As in *Sullivan*, Woods's in-custody status for five days during the  
2 delay—and more importantly his failure to request the return of his cell phone—  
3 significantly reduced his possessory interest in it. *Id.* at 633; *see also Christie*,  
4 717 F.3d at 1163 (holding that the defendant's failure to request the return of the  
5 property reduced his possessory interest in it). Also as in *Sullivan*, the delay here  
6 was partially because officers had to transfer the cell phone to detectives for a  
7 forensic examination. *See* 797 F.3d at 635. Thus, we conclude that the district  
8 court did not err by denying Woods's motion to suppress the contents of his cell  
9 phone.

10 Order of Affirmance at 8. Therefore, the Nevada Supreme Court already determined that the  
11 Court's denial of Petitioner's Motion to Suppress was proper; as such, Petitioner cannot  
12 successfully assert that an evidentiary hearing was necessary. *Pellegrini*, 117 Nev. at 879, 34  
13 P.3d at 532. Because the substance of this claim was already considered, Petitioner's Ground  
14 Two is summarily denied under the law of the case doctrine. *Hall*, 91 Nev. at 315, 535 P.2d at  
15 798.

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

## 18 **II. PETITIONER'S REMAINING CLAIMS ARE WAIVED BY PETITIONER'S** 19 **FAILURE TO RAISE THEM ON DIRECT APPEAL**

20 Pursuant to NRS 34.810:

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

22 ...

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

25 (1) Presented to the trial court;

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

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

(Emphasis added).

29 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and  
30 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-  
31 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be  
32 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"  
33 *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)  
34 (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 ///

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

### 4       **III.    PETITIONER'S CLAIMS ARE NOT SUFFICIENTLY PLED**

5       The Nevada Supreme Court has explained that a party seeking review bears the  
6 responsibility "to cogently argue, and present legal authority" to support his assertions.  
7 Edwards v. Emperor's Garden Restaurant, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38  
8 (2006); Dept. of Motor Vehicles and Public Safety v. Rowland, 107 Nev. 475, 479, 814 P.2d  
9 80, 83 (1991) (defendant's failure to present legal authority resulted in no reason for the district  
10 court to consider defendant's claim); Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987)  
11 (an arguing party must support his arguments with relevant authority and cogent argument;  
12 "issues not so presented need not be addressed"); Randall v. Salvation Army, 100 Nev. 466,  
13 470-71, 686 P.2d 241, 244 (1984) (court may decline consideration of issues lacking citation  
14 to relevant legal authority); Holland Livestock v. B & C Enterprises, 92 Nev. 473, 533 P.2d  
15 950 (1976) (issues lacking citation to relevant legal authority do not warrant review on the  
16 merits).

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

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

28       ///



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  
24 appoint counsel at the time the court orders the filing of an answer and a return.  
25 In making its determination, the court may consider whether:

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

Under NRS 34.750, it is clear that the court has discretion in determining whether to  
appoint counsel. More recently, the Nevada Supreme Court examined whether a district court  
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  
is required. A petitioner must not be discharged or committed to the custody  
of a person other than the respondent *unless an evidentiary hearing is held*.
- 21 2. If the judge or justice determines that the petitioner is not entitled to relief  
and an evidentiary hearing is not required, he shall dismiss the petition  
22 without a hearing.
- 23 3. If the judge or justice determines that an evidentiary hearing is required, he  
shall grant the writ and shall set a date for the hearing.

24 (Emphasis added).

25 The Nevada Supreme Court has held that if a petition can be resolved without  
26 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.  
27 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A  
28 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.

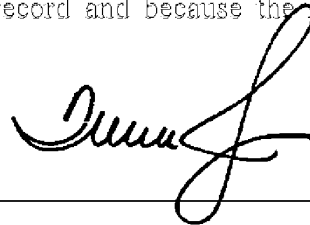
17 Because Petitioner fails to set forth any reasoning to support expanding the record, and  
18 because the instant Petition may be resolved without such expansion, Petitioner’s Request for  
19 Evidentiary Hearing is denied.

### 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.



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  
4569 N. STATE ROUTE 490  
ELY, NEVADA 89301

20 BY /s/ J.HAYES  
21 Secretary for the District Attorney's Office  
22  
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28 15F11579X/TP/jh/MVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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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

*Steven D. Grierson*

1) Case No. A-21-836056-W

Dept. NO. 10

2) (C-15-309820-1)

3)

4) IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE

5) STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

6)

7)

8) Leonard R. Woods  
Petitioner / Plaintiff

9) vs

10) The State of Nevada  
Respondent / Defendant

11)

12)

Notice of Appeal

13) Notice is hereby given that Leonard R. Woods, Petitioner /

14) Defendant above named, hereby appeals to the Court of Appeals for the

15) State of Nevada from the final judgement / order (Findings of Fact,

16) Conclusions of Law and Order denial of Petitioner's Writ of Habeas Corpus)

17) Entered in this action on the 8<sup>th</sup> day of September, 2021

18)

Dated this 25<sup>th</sup> day of October, 2021

19)

20)

21)

Leonard R. Woods

22)

NDOC # 1216972

23)

Appellant- Pro per

24)

ELY STATE PRISON

25)

P.O. BOX 1489

26)

ELY, Nevada 89301-1489

27)

CERTIFICATE OF SERVICE BY MAIL

I, Leonard R Woods, hereby certify pursuant to Rule 5(h) of the NRCp, that on this 25<sup>th</sup> day of October, 2021, 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  
c/o Taleen Pandukht and R. Evans  
200 Lewis Ave  
P.O. BOX 552212  
Las Vegas, NV 89155

*L. Woods*

Leonard R. Woods  
ELY STATE PRISON  
P.O. BOX 1989  
ELY, Nevada

89301-1989



AFFIRMATION PURSUANT TO NRS 239B 030

I, Leonard R Woods, NDOC # 1216472, 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

*L. Woods*

Leonard R. Woods

NDOC # 1216472

ELY STATE PRISON

P.O. Box 1989

ELY, Nevada 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\*

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

Dept. No. \_\_\_\_\_

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 8<sup>th</sup> day of September, 2021.

Dated this 25<sup>th</sup> day of October, 2021.

Leonard R. Woods

NDOC # 1216972

Appellant - Pro Per

Ely State Prison

P.O. Box 1989

Ely, Nevada 89301-1989

CLERK OF THE COURT

RECEIVED

OCT 28 2021

RECEIVED

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 25<sup>th</sup> 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  
% Takeron Pandukhit 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 25<sup>th</sup> DAY OF October, 2021.

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  
CLY STATE PRISON  
4569 North State Rt.  
P.O. BOX 1989  
CLY Nevada 89301

(c/o Clerk of the Courts)

Clark County Courthouse  
200 Lewis Ave  
Las Vegas, Nevada  
89101

\*Legal Mail\*



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

LEONARD RAY WOODS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-21-836056-W

Dept No: X

**CASE APPEAL STATEMENT**

1. Appellant(s): Leonard R. Woods

2. Judge: Tierra Jones

3. Appellant(s): Leonard R. Woods

Counsel:

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

4. Respondent (s): State of Nevada

Counsel:

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

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5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: N/A  
*\*\*Expires 1 year from date filed*  
Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
Date Application(s) filed: June 10, 2021
9. Date Commenced in District Court: June 10, 2021
10. Brief Description of the Nature of the Action: Civil Writ
- Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
11. Previous Appeal: No
- Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 1 day of November 2021.

Steven D. Grierson, Clerk of the Court

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

cc: Leonard R. Woods





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

LEONARD RAY WOODS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-21-836056-W

Dept No: X

**CASE APPEAL STATEMENT**

1. Appellant(s): Leonard R. Woods

2. Judge: Tierra Jones

3. Appellant(s): Leonard R. Woods

Counsel:

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

4. Respondent (s): State of Nevada

Counsel:

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

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5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: N/A  
*\*\*Expires 1 year from date filed*  
Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
Date Application(s) filed: June 10, 2021
9. Date Commenced in District Court: June 10, 2021
10. Brief Description of the Nature of the Action: Civil Writ
- Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
11. Previous Appeal: No
- Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 1 day of November 2021.

Steven D. Grierson, Clerk of the Court

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

cc: Leonard R. Woods

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**September 08, 2021**

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

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**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 and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated November 19, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 102.

LEONARD RAY WOODS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

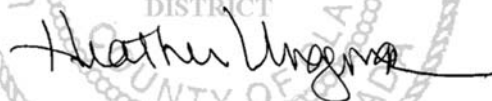
Case No: A-21-836056-W

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 30 day of November 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

