

# IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Apr 21 2022 09:19 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

RONNY DARROW POWE,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Case No: C-15-308371-1  
*Related Case A-21-845477-W*  
Docket No: 84430

# RECORD ON APPEAL VOLUME 1

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

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

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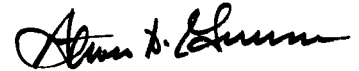
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WILL FOLLOW VIA  
U.S. MAIL



CLERK OF THE COURT

INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
TYLER D. SMITH  
Deputy District Attorney  
Nevada Bar #011870  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

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

THE STATE OF NEVADA,

Plaintiff,

-vs-

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

Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

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



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

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

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

1 concert throughout.

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

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

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

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

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

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

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

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

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

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

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

6 COUNT 6 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

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

lookout throughout, Defendants acting in concert throughout.

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

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

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

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

6 BY

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

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

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

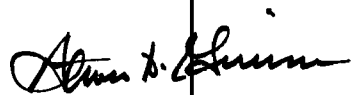
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TLOCKOWSKI, WALTER J.	LVMPD #5858
VAUGHAN, TIMOTHY ALLEN	LVMPD #4672

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



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



CLERK OF THE COURT

TRAN

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

STATE OF NEVADA,  
  
Plaintiff,  
  
vs.  
  
RONNY POWE,  
THAIRONYA POWE,  
  
Defendants.

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

REPORTER'S TRANSCRIPT

OF

WAIVER OF PRELIMINARY HEARING

BEFORE THE HONORABLE MELANIE A. TOBIASSON  
JUSTICE OF THE PEACE

WEDNESDAY, JULY 29, 2015

**APPEARANCES:**

For the State: TYLER SMITH  
Deputy District Attorney

For Defendant R. Powe: CRAIG DRUMMOND  
Attorney at Law

For Defendant T. Powe: NADINE MORTON  
Attorney at Law

**Reported by: Donna J. McCord, CCR #337**

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

2  
3 \* \* \* \* \*

4  
5 THE COURT: 15F08992A, Ronny Powe. That's  
6 the one you're on, correct, Mr. Drummond?

7 MR. DRUMMOND: That's correct.

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

10 MR. DRUMMOND: Correct, your Honor. And  
11 we have received -- he's coming out right now.  
12 We've received a copy --

13 THE COURT: Come on in.

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

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

21 DEFENDANT RONNY POWE: Yes.

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

24 DEFENDANT RONNY POWE: Yes, I have.

25 THE COURT: All right. And that's what

1 you want to do?

2 DEFENDANT RONNY POWE: Yes.

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

7 DEFENDANT RONNY POWE: Yes.

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

13 DEFENDANT RONNY POWE: Yes.

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

18 DEFENDANT RONNY POWE: Okay.

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

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

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

19 THE COURT: All right.

20 (Other matters on calendar heard.)

21 THE COURT: 15F08992B, Thaironya Powe.

22 MS. MORTON: Did you call Powe?

23 THE COURT: Yes.

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

1 hearing is going to waive her preliminary hearing.

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

4 MS. MORTON: Yes, your Honor.

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

7 DEFENDANT THAIRONYA POWE: Yes.

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

10 DEFENDANT THAIRONYA POWE: I have.

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

13 DEFENDANT THAIRONYA POWE: Yes, your  
14 Honor.

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

18 DEFENDANT THAIRONYA POWE: Yes, your  
19 Honor.

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

25 THE DEFENDANT: Yes.

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

6           DEFENDANT THAIRONYA POWE: Yes, your  
7 Honor.

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

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

18           THE COURT: All right. Thank you.

19           MS. MORTON: Thank you, your Honor.

20

21                           \* \* \* \* \*

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

24

25

\_\_\_\_\_/S/Donna J. McCord  
DONNA J. McCORD CCR #337

  
CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
TYLER D. SMITH  
Deputy District Attorney  
Nevada Bar #011870  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-308371-1

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

DEPT NO: XII

Defendant.

NOTICE OF EXPERT WITNESSES  
[NRS 174.234(2)]

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

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

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

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

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

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

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


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

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

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

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

14 BY

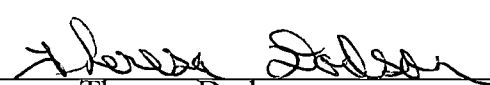
  
15 TYLER D. SMITH  
16 Deputy District Attorney  
17 Nevada Bar #011870

18 CERTIFICATE OF FACSIMILE TRANSMISSION

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

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

23 BY

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

td/dvu



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

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

Date of Birth: November 8, 1966

Place of Birth: New York, New York

Citizenship: U.S.A.

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

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

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

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

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

Board Certification: American Board of Surgery

Practice History: Southern Nevada Surgery Specialists  
July 1994-present

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

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

**Hospital Appointment:**

Chief of Surgery, St Rose Dominican Hospitals,  
1999-2002

Vice-Chief of Staff, St Rose Dominican Hospitals,  
2002-2007

Chief of Staff, St Rose Dominican Hospitals,  
2007-Present

Chief of Surgery, Boulder City Hospital, 2004-  
present

Director of Trauma, 2004-Present

Medical Executive Committee, 1999-Present

Vice-chairman, Clark County Trauma Medical

Advisory Committee, 2006-Present

Member RTAB, 2005-Present

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

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

---

## **Current Position Medical Examiner, 2009 to present**

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

## **Training & Education**

**Forensic Pathology Fellowship, 2008 to 2009**

*Office of the Chief Medical Investigator, Albuquerque, New Mexico*

**Surgical Pathology Fellowship, 2007-2008**

*Hartford Hospital, Hartford, Connecticut*

**Anatomic & Clinical Pathology Residency, 2002 – 2007**

*Hartford Hospital, Hartford, Connecticut*

**Post-Sophomore Fellowship in Pathology, 2001 – 2002**

*University of Connecticut Health Center, Farmington, Connecticut*

**Medical Degree, 2001**

*University of Connecticut School of Medicine, Farmington, Connecticut*

**Master Degree of Public Health, 1994**

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

**Bachelor of Arts, 1991**

*Mount Holyoke College, South Hadley, Massachusetts*

## **Research Experience**

**Polyoma Virus Hemorrhagic Cystitis in an Otherwise Normal Child, 2008**

*Hartford Hospital Department of Pathology & Department of Pediatric Infectious Disease*

**Testicular Choriocarcinoma in a Young Male with Abdominal Pain, 2007**

*Hartford Hospital Department of Pathology & University of Connecticut*

*Department of Internal Medicine*

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

*2006 Hartford Hospital Department of Pathology*

**Susceptibility of Streptococcus Pneumoniae to Moxifloxacin and Other Antimicrobial Agents, 2004**

*Hartford Hospital Department of Pathology & Laboratory Medicine*

## **Awards & Scholarship**

**Dr. Beckett Book Award, 2007**

**Martin Berman Immunopathology Award, 2007**

**Bloomberg Award for Psychiatry, 2001**

## **Memberships**

**American Academy of Forensic Sciences (2009 to present)**

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

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

**College of American Pathologist (Delegate 2003 – 2007)**

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

*Next Page > > >*

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

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

---

## Connecticut Society of Pathologists Presentations

**Malignant Peritoneal Mesothelioma in 17 year-old male**, January 2006  
**Focal Nodular Hyperplasia**, June 2004

## Resident & Fellow Topics

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

## Previous Work Experience

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

## Service Work

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

## Medical License

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

**Eligible For Anatomic Pathology,**



## **ELYNNE GREENE**

### **EMPLOYMENT HISTORY**

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

### **EDUCATION**

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

### **PROFESSIONAL QUALIFICATIONS**

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

## **PROFESSIONAL MEMBERSHIPS /AFFILIATIONS**

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

## **PRESENTATIONS/COURSES TAUGHT**

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

## **TRAINING RECEIVED**

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

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



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

#### **VOLUNTEER POSITIONS**

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

#### **AWARDS/RECOGNITION**

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

  
CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
TYLER D. SMITH  
Deputy District Attorney  
Nevada Bar #011870  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-308371-1

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

DEPT NO: XII

Defendant.

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

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


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

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

<u>NAME</u>	<u>ADDRESS</u>
AUTEN, I.	LVMPD #7938
EAGAN, L.	LVMPD #7860
LEMARBRE, J.	LVMPD #13382
LOPEZ, C.	LVMPD #6958
MCCARTIN, Z.	LVMPD #13956
RANDALL, C.	LVMPD #13427
ZINGELMAN, M.	LVMPD #14791

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

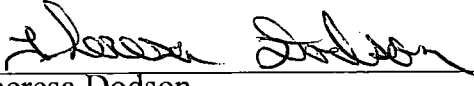
4                               STEVEN B. WOLFSON  
5                               Clark County District Attorney  
6                               Nevada Bar #001565

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

11                               CERTIFICATE OF FACSIMILE TRANSMISSION

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

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

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

19  
20  
21  
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23  
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27  
28        td/dvu

  
CLERK OF THE COURT

**SLOW**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**TYLER D. SMITH**  
Deputy District Attorney  
Nevada Bar #011870  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-308371-1

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

DEPT NO: XII

Defendant.

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

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

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

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

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

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

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

4 Package 5, Item 9,

5 Package 5, Item 10,


6 Package 6, Item 11.

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

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

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


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

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

20 CERTIFICATE OF FACSIMILE TRANSMISSION

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

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

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

28 td/dvu

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

Date: 01/22/14

Name: Brianne Huseby

P# 14783

Classification: Forensic Scientist II

Current Discipline of Assignment: Bio/DNA Detail

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

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

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



CURRICULUM VITAE -Name

OTHER QUALIFICATIONS:
N/A

## Statement of Qualifications

Name:

Page: 1

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

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

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

## Statement of Qualifications

Name:

Page: 2

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

## Statement of Qualifications

Name:

Page: 3

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

## Statement of Qualifications

Name:

Page: 4

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

## Statement of Qualifications

Name:

Page: 5

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

RECEIVED

OCT 28 2015

COURT ADMIN

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

State of Nevada

PLAINTIFF

-VS-

Bonny Powe

Thaironya Powe

DEFENDANT

CASE NO: C-15-308371-1

DEPT. NO: 12 -2

MEDIA REQUEST AND ORDER ALLOWING  
CAMERA ACCESS TO COURT PROCEEDINGS\* Please fax to (702) 671-4548 to ensure that the request will be processed as quickly as possible. Electronically Filed  
11/03/2015 06:02:10 AM

Amy Murphy

(name) of

My Entertainment

(media organization)

John D. Quinn

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

CLERK OF THE COURT

Dept. No. 12, the Honorable Judge Leavitt Presiding, on the 29 day of  
October, 2015

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

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

Dated this 28 day of October, 2015.

SIGNATURE:

PHONE: 818 915 5772

\*\*\*\*\*

## IT IS HEREBY ORDERED THAT:

[ ] The media request is denied because it was submitted less than 24 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.

[ ] The media request is denied for the following reasons: \_\_\_\_\_

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

[ ] OTHER: \_\_\_\_\_

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.

Dated this 29 day of October, 2015.

Medina D. Quinn  
DISTRICT COURT JUDGE

RECEIVED

OCT 28 2015

DEPT. 12

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

State of Nevada

**PLAINTIFF**

**-VS-**

Ronny Powe, Thaironya Powe

**DEFENDANT**

CASE NO: C-15-308371-1

DEPT. NO: 12

**NOTIFICATION OF  
MEDIA REQUEST**

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

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

DATED this 28 day of October, 2015



Eighth Judicial District Court

**CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION**

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

Plaintiff

District Attorney

(702) 455-2294

Defendant

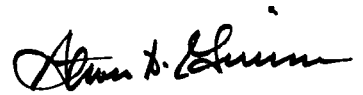
Craig W. Drummond

(702) 508-9440



Eighth Judicial District Court





CLERK OF THE COURT

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

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 STATE OF NEVADA, )

11 Plaintiff, )

12 vs. )

13 RONNY POWE, )

14 Defendant. )  
15

Case No.: C-15-308371-1

Dept. No.: XII

16 **DEFENDANT RONNY POWE'S NOTICE AND REQUEST FOR JOINDER**  
17

18 COMES NOW, Defendant, RONNY POWE, by and through his attorney of record,  
19 CRAIG W. DRUMMOND, ESQ., and hereby moves this Honorable Court to join Co-Defendant,  
20 Thaironya Powe on the following Motions currently set for argument on December 17, 2015 at  
21 8:30am. This is a request to join the following motions and arguments with the substitution of the  
22 name RONNY POWE being considered by this Honorable Court in the place of Thaironya Powe  
23 as it relates to the law, substance, and argument:

24 1) MOTION TO SEVER

25 2) MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE

26 This motion is made and based on the Points and Authorities, all pleadings and papers on  
27 file herein and any oral argument requested by the Court at the time of hearing.  
28

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

**FACTUAL HISTORY**

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

**POINTS & AUTHORITIES**

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

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

DATED this 11 of December, 2015.

DRUMMOND LAW FIRM

By 

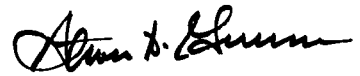
CRAIG W. DRUMMOND, ESQ.  
Nevada Bar No. 11109  
228 South Fourth St., First Floor  
Las Vegas, NV 89101  
T: (702) 366-9966  
F: (702) 508-9440  
craig@drummondfirm.com  
*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

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

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

  
An Employee of DRUMMOND LAW FIRM



CLERK OF THE COURT

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

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

THE STATE OF NEVADA

Plaintiff,

vs.

RONNY POWE

Defendant.

Case No.: C-15-308371-1

Dept. No.: XII

**DEFENDANT RONNY POWE'S MOTION FOR DISCOVERY**

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

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

DATED this 14 day of December, 2015.

By

  
CRAIG W. DRUMMOND, ESQ.

Nevada Bar No. 11109

*Attorney for Defendant*

**NOTICE OF MOTION**

TO: STATE OF NEVADA, Plaintiff; and  
TO: DISTRICT ATTORNEY, its attorneys:

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

DATED this 14 day of December, 2015.

By 

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

**DECLARATION OF COUNSEL IN SUPPORT OF MOTION**

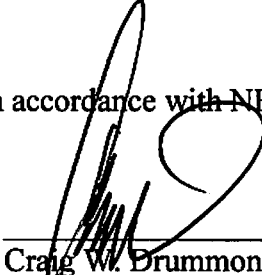
I, CRAIG W. DRUMMOND, ESQ., in accordance with NRS 53.045 and under penalty of perjury make the following declaration:

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

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

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

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

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

## POINTS AND AUTHORITIES

### I. STATEMENT OF FACTS

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

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

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

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

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

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

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

7 **II.**  
8 **ARGUMENT**

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

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

21 The prosecution has the duty to disclose to the Defendant all exculpatory evidence. Brady  
22 v. Maryland, 373 U.S. 83 (1963); See, also, Giles v. Maryland, 386 U.S. 66 (1967); Dennis v.  
23 U.S., 384 U.S. 855, 873 (1966); Giglio v. U.S., 925 S.Ct. 763 (1972). It is clear that the trial court  
24 has wide discretion in permitting discovery. See, Marshall v. District Court, 79 Nev. 280, 382  
25 P.2d 214 (1963). Pursuant to Burr v. Sullivan, 618 F. 2d 583 (1980), the State should turn over  
26 discovery of their witnesses at trial or habeas relief will later be granted on appeal or review.  
27  
28



III.  
CONCLUSION

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

DATED this 14 day of December, 2015.

By 

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

CERTIFICATE OF SERVICE

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

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

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

  
An Employee of DRUMMOND LAW FIRM

# **Exhibit A**

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

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

  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY NEVADA

10 IN THE MATTER OF THE HOSPITALIZATION OF  
11 NAME: Ranette Martin  
12 DOB: 12/27/1980  
13 ALLEGED TO BE A MENTALLY ILL PERSON

Case: M-12-139381

Dept. No.: A

Hearing Date: May 8, 2016

Hearing Time: 1:30 p.m.

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

19 State of Nevada  
20 County of Clark } ss.

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

- 22 1. That I am the Petitioner in the above-entitled action, and that I am a physician  
23 duly licensed to practice in the State of Nevada;  
24 2. Ranette Martin, the allegedly mentally ill person (hereinafter "the Patient"),  
25 being detained at University Medical Center of Southern Nevada. That I hereby certify that  
26 the attached Application, Certification and Medical Clearance for Emergency Admission of a  
27 Allegedly Mentally Ill Person to a Mental Health Facility is a true and correct copy of the  
28

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

3. That the Patient has been examined by a physician and that said Patient is mentally ill and as a result of that mental illness the Patient is likely to harm himself/herself or others, as defined in N.R.S. § 493A.145.

**WHEREFORE, Petitioner prays the Court to:**

1. ORDER the Patient to be detained for a mental examination at University Medical Center of Southern Nevada;
2. ORDER a mental examination of the Patient at the above-referenced health care facility;
3. ORDER a hearing to be held on this Petition at 1:30 p.m. on the 8<sup>th</sup> day of May, 2015 at Southern Nevada Adult Mental Health Services, 1650 Community College Drive, Las Vegas, Nevada, or such other place as the Court deems appropriate; and
4. ORDER the Patient's involuntary admission to a Nevada Mental Health Facility for the most appropriate course of treatment, upon the hearing and consideration of all relevant evidence at the above-mentioned hearing and an appropriate finding by the Court.

DATED this 6<sup>th</sup> day of May, 2015

**CERTIFYING PHYSICIAN:**  
Petitioner

MENTAL DISPOSITIONS

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

**District Court**  
**CLARK COUNTY, NEVADA**

-FILED IN OPEN COURT-  
May 08, 2015

Steve Grierson, Clerk of Court

By: Kathleen Prock  
Kathleen Prock, Deputy

**MRAO**

IN THE MATTER OF THE EXAMINATION OF

RANETTE MARTIN

ALLEGED TO BE A MENTALLY ILL PERSON

CASE NO.: M-12-139381-M

DEPARTMENT A

**MASTER'S RECOMMENDATION AND ORDER**

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

- ☐ **INVOLUNTARY ADMISSION:** It is hereby recommended that the patient named in the caption above be involuntarily admitted to a mental health facility for the most appropriate course of treatment as the patient is found to be "mentally ill" as defined in NRS 433A.115. The least restrictive environment in the patient's best interest is as follows:
- ☐ The Administrator Of The Division Of Mental Hygiene And Mental Retardation, Carson City, NV.
- or-
- ☐ Affirm Return From Conditional Release.
- ☐ **DISMISSAL:** It is hereby recommended that the proceedings herein be dismissed.
- ☐ Patient Found Not To Meet Commitment Criteria ☐ Patient Signed Voluntary Papers ☐ Patient Discharged
- ☐ In Lieu Of Voluntary Admission, Petitioner May Refile Should Patient Attempt Discharge Against Medical Advice
- ☐ Guardianship in Place ☐ Other:
- ☒ **CONTINUANCE:** It is hereby recommended that these proceedings be continued to the 5th day of June, 2015, at 1:30 PM.
- ☐ **CONDITIONS:** Patient shall be released to family when family is ready.
- DATED this 8th day of May, 2015

JON NORHEIM  
JON NORHEIM HEARING MASTER

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

STEVE GRIERSON  
STEVE GRIERSON, CEO/CLERK OF THE COURT

**ORDER**

Upon reviewing the above recommendation and good cause appearing therefore,

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

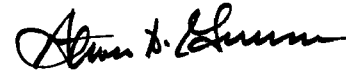
DATED this 8th day of May, 2015.

W. H. Okey  
DISTRICT COURT JUDGE

JEFFREY B WOLFSON, District Attorney  
Nevada Bar No. 1565

Jeffrey B Wolfson 0047

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



CLERK OF THE COURT

MCNT  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
TYLER D. SMITH  
Deputy District Attorney  
Nevada Bar #011870  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

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

Defendants.

CASE NO: C-15-308371-1

C-15-308371-2

DEPT NO: DEPT XII

NOTICE OF HEARING

DATE 3-15-16 TIME 8:30am

APPROVED BY pr

NOTICE OF MOTION AND MOTION TO CONTINUE

DATE OF HEARING: March 15, 2016

TIME OF HEARING: 8:30 A.M.

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

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

TO: CRAIG DRUMMOND, ESQ., Attorney for RONNY POWE, aka, Ronny

Darrow Powe, Defendant; and

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

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

///

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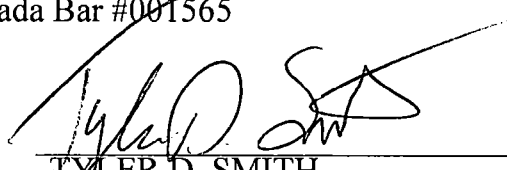
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1 This Motion, which will be heard in District Court on the 15th day of March, 2016, at  
2 8:30 o'clock, A.M., is based upon Hill v. Sheriff of Clark County, 85 Nev. 234 (1969), and is  
3 supported by the following Affidavit.

4 DATED this 11th day of March, 2016.

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

8 BY

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

STATE OF NEVADA        }  
COUNTY OF CLARK       }ss:

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

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

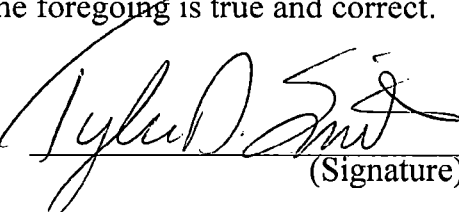
2. That the following efforts were made to procure the attendance of this witness at the trial scheduled in this matter for March 22, 2016; that a subpoena was issued on January 21, 2016; that said subpoena was served on Ms. Huseby;

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

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

5. That this Motion is made in good faith and not for the purpose of delay.  
I declare under penalty of perjury that the foregoing is true and correct.

Executed on        03/11/16  
                              (Date)

  
\_\_\_\_\_  
(Signature)

1 CERTIFICATE OF FACSIMILE TRANSMISSION

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

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

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

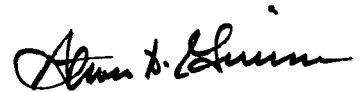
10 CERTIFICATE OF SERVICE

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

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

16 BY: Theresa Dodson  
17 Theresa Dodson  
18 Secretary for the District Attorney's Office  
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28 TDS/td/dvu



CLERK OF THE COURT

1 **NOTC**  
2 DRUMMOND LAW FIRM  
3 CRAIG W. DRUMMOND, ESQ.  
4 Nevada Bar No. 011109  
5 228 South Fourth St., First Floor  
6 Las Vegas, NV 89101  
7 T: (702) 366-9966  
8 F: (702) 508-9440  
9 craig@drummondfirm.com  
10 *Attorney for Defendant*

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

13 THE STATE OF NEVADA )

14 Plaintiff, )

15 vs. )

16 RONNY POWE )

17 Defendant. )

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

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

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

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

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

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

26  
27 //  
28

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

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

8 DATED this 15 day of March, 2016.

9  
10  
11 By 

12 Craig W. Drummond, Esq.  
13 Nevada Bar No. 11109  
14 228 S Fourth Street, First Floor  
15 Las Vegas, NV 89101  
16 *Attorney for Defendant Ronny Powe*  
17  
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**CERTIFICATE OF SERVICE**

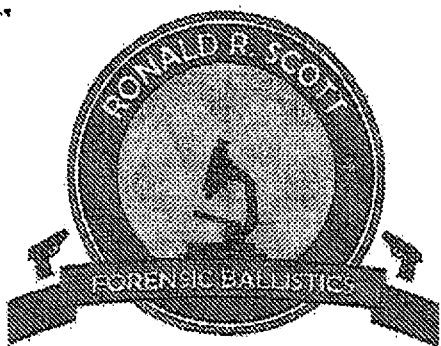
Pursuant to NEFCR 9 and Administrative Order 14-2, the undersigned does hereby certify that on this 15 day of March, 2016, service of a true and correct copy of the foregoing DEFENDANT RONNY POWE'S NOTICE OF EXPERT WITENSS was duly made on all parties herein by causing a true copy thereof to be filed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

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

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

  
An Employee of DRUMMOND LAW FIRM

# **EXHIBIT A**



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

Tel: 623-764-6371  
Email: [ronaldscott@azballistics.com](mailto:ronaldscott@azballistics.com)

[www.azballistics.com](http://www.azballistics.com)  
[www.forensic-ballistics.com](http://www.forensic-ballistics.com)

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

Majority of investigations consist of:

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

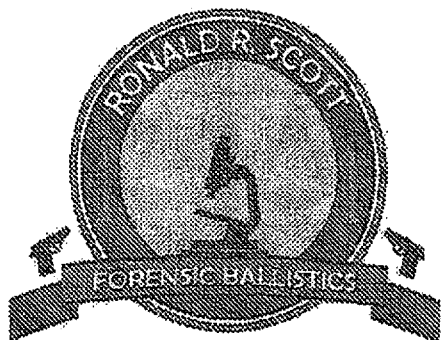
I offer expertise in all three areas for criminal or civil cases based on 25+ years with the Massachusetts State Police conducting and supervising criminal investigations, crime scenes, and forensics with 10 additional years as an independent forensic consultant.

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

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

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

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



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

Tel: 623.764.6371

Email: [ronaldscott@azballistics.com](mailto:ronaldscott@azballistics.com)

[www.azballistics.com](http://www.azballistics.com)

[www.forensic-ballistics.com](http://www.forensic-ballistics.com)

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

## **Curriculum Vitae**

### **Formal Education:**

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

### **Informal, Technical, Forensic Education/Training:**

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



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

#### Expert Testimony or Significant Casework Venues:

##### International:

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

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

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

##### Expertise:

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

##### Police Shootings:

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

### Gunshot Wound Ballistics:

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

Made forensic presentations at medical symposiums in MA and NH.

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

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

### Specialized Firearms/Ballistics Training:

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

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

\* Indicates the extended law enforcement armorer course.

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

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

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

### Ballistics & Weapons Training/Experience 1963 -present:

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

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

#### Lectures and Presentations:

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

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

#### Other Experience:

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

#### Publications:

I choose not to engage in written publications.

#### MASSACHUSETTS STATE POLICE 1973-1998:

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

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

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

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

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

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

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

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

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

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

#### **1967-1973**

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

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

#### Professional Organizations and Societies:

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

#### Ancillary Education:

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

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

Ronny D. Powe #1415128

Defendant

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

) Dept. No.: ~~20~~ XII

) Docket No.: \_\_\_\_\_

) Hearing Date: 12-8-16

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

*Adam D. Drummon*

CLERK OF THE COURT

Time: 8:30am

Motion to dismiss Counsel And appoint Alternate Counsel

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

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

Dated this      day of      2016

Points And Authorities

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

I. Procedural Background and Factual Summary

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

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CLERK OF THE COURT

MC  
DA  
PP  
ADR  
Drummond

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CLERK OF THE COURT  
#53

1 refusal or failure to

2 ① Communicate with Defendant on a regular bases

3 ② file appropriate motions in a timely manner

4 ③ Convey to the defendant offers made by the prosecution

## 5 II ARGUMENT

6 Defendant Ronny Powe #1415128 asserts he is being denied his right  
7 to effective representation due to wholly inadequate actions of his Court  
8 appointed Counsel. Further, Counsel's actions constitute a violation of the  
9 defendant's due process rights.

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

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

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

16 DATED THIS 8 day of Nov., 2016.

17 I, Ronny D Powe #1415128, do

18 solemnly swear, under the penalty of perjury, that

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

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

21 NRS 171.102 and NRS 208.165.

22 Respectfully submitted,

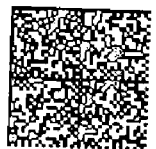
23  
24  
25 Defendant

R Powe



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

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



UNITED STATES POSTAGE  
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MAILED FROM ZIP CODE 89101

**SLOW**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**TYLER D. SMITH**  
Chief Deputy District Attorney  
Nevada Bar #011870  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-308371-1

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

DEPT NO: XII

Defendant.

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

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

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

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

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


1 ZINGELMAN, M.

LVMPD #14791

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

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

7  
8 BY


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

11 CERTIFICATE OF FACSIMILE TRANSMISSION

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

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

16 BY:

  
17 Theresa Dodson  
18 Secretary for the District Attorney's Office  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 td/dvu

  
CLERK OF THE COURT

**SLOW**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**TYLER D. SMITH**  
Chief Deputy District Attorney  
Nevada Bar #011870  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-308371-1

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

DEPT NO: XII

Defendant.

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

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

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

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

NAME

ADDRESS

AUTEN, I.

LVMPD #7938

\*CUSTODIAN OF RECORDS

ST. ROSE DOMINICAN HOSPITAL –  
SIENA CAMPUS

EAGAN, L.

LVMPD #7860

LEMARBRE, J.

LVMPD #13382

LOPEZ, C.

LVMPD #6958

MCCARTIN, Z.

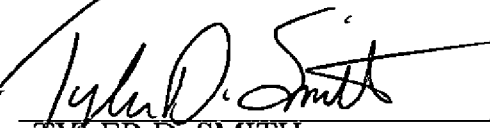
LVMPD #13956

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

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

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

10 BY

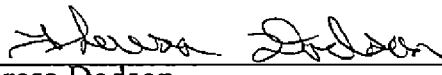
  
11 TYLER D. SMITH  
12 Deputy District Attorney  
13 Nevada Bar #011870

14 CERTIFICATE OF FACSIMILE TRANSMISSION

15 I hereby certify that service of Second Supplemental Notice of Witnesses, was made  
16 this 25th day of December, 2016, by facsimile transmission to:

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

19 BY:

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

28 td/dvu

  
CLERK OF THE COURT

**NOTC**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**TYLER D. SMITH**  
Chief Deputy District Attorney  
Nevada Bar #011870  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-308371-1

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

DEPT NO: XII

Defendant.

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

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

TO: CRAIG DRUMMOND, ESQ, Counsel of Record:

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

///

///

///

///

///

///

///

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

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

8 BY 

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

12 CERTIFICATE OF MAILING

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

16 Craig Drummond, Esq.  
17 228 South Fourth Street, First Floor  
18 Las Vegas, Nevada, 89101

19 BY: 

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

28 TDS/td/dvu

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

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

DEC 22 2016  
BY: SUSAN JOVANOVIĆ, DEPUTY

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

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



9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

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

14 Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

15 GUILTY PLEA AGREEMENT

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

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

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

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

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



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

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

#### 11 CONSEQUENCES OF THE PLEA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 7 WAIVER OF RIGHTS

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

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

#### 24 VOLUNTARINESS OF PLEA

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

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

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

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

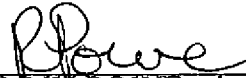
5 I believe that pleading guilty and accepting this plea bargain is in my best interest, and  
6 that a trial would be contrary to my best interest.

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

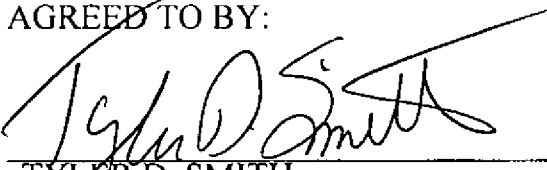
10 I am not now under the influence of any intoxicating liquor, a controlled substance or  
11 other drug which would in any manner impair my ability to comprehend or understand this  
12 agreement or the proceedings surrounding my entry of this plea.

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

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

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

22 AGREED TO BY:

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

1 CERTIFICATE OF COUNSEL:

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

- 4 1. I have fully explained to the Defendant the allegations contained in the  
5 charge(s) to which guilty pleas are being entered.  
6 2. I have advised the Defendant of the penalties for each charge and the restitution  
7 that the Defendant may be ordered to pay.  
8 3. I have inquired of Defendant facts concerning Defendant's immigration status  
9 and explained to Defendant that if Defendant is not a United States citizen any  
10 criminal conviction will most likely result in serious negative immigration  
11 consequences including but not limited to:  
12 a. The removal from the United States through deportation;  
13 b. An inability to reenter the United States;  
14 c. The inability to gain United States citizenship or legal residency;  
15 d. An inability to renew and/or retain any legal residency status; and/or  
16 e. An indeterminate term of confinement, by with United States Federal  
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been  
19 told by any attorney, no one can promise Defendant that this conviction will not  
20 result in negative immigration consequences and/or impact Defendant's ability  
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are  
23 consistent with the facts known to me and are made with my advice to the  
24 Defendant.  
25 5. To the best of my knowledge and belief, the Defendant:  
26 a. Is competent and understands the charges and the consequences of  
27 pleading guilty as provided in this agreement,  
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto  
voluntarily, and  
c. Was not under the influence of intoxicating liquor, a controlled  
substance or other drug at the time I consulted with the Defendant as  
certified in paragraphs 1 and 2 above.

29 Dated: This 22 day of October, 2016.

December

  
ATTORNEY FOR DEFENDANT

td/dvu

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

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

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

14 Defendant.

CASE NO. C-15-308371-1

DEPT NO. XII

AMENDED  
INFORMATION

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss:

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

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

EXHIBIT "1"

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

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

20  
21 BY 

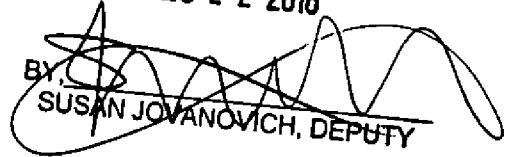
22 TYLER D. SMITH  
23 Deputy District Attorney  
24 Nevada Bar #011870  
25  
26

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

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

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

DEC 22 2016

BY   
SUSAN JOVANOVIH, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-15-308371-1  
AINF  
Amended Information  
4808281



9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

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

CASE NO. C-15-308371-1

DEPT NO. XII

AMENDED  
INFORMATION

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss:

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

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



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

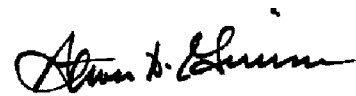
18 STEVEN B. WOLFSON  
19 Clark County District Attorney  
Nevada Bar #001565

20  
21 BY 

22 TYLER D. SMITH  
23 Deputy District Attorney  
24 Nevada Bar #011870  
25  
26

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

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

  
CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C308371-1

-vs-

DEPT. NO. XII

RONNY POWE aka  
Ronny Darrow Powe  
#1415128

Defendant.

JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)

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

RECEIVED  
FEB 16 2017  
DEPT. 12

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

12 DATED this 16<sup>th</sup> day of February, 2017.  
13  
14

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16   
17 MICHELLE LEAVITT  
18 DISTRICT COURT JUDGE  
19  
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SJ

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1 COSCC

*Allen D. Shuman*

2 CLERK OF THE COURT

3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

6 \* \* \* \*

7 STATE OF NEVADA

CASE NO.: C-15-308371-1

8 VS

DEPARTMENT 12

9 RONNY POWE

10  
11 CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

12 Upon review of this matter and good cause appearing,

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

15 DISPOSITIONS:

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

26 DATED this 21 day of February, 2017.

*Michelle Leavitt*  
MICHELLE LEAVITT  
DISTRICT COURT JUDGE

*Michelle Leavitt*  
MICHELLE LEAVITT  
DISTRICT JUDGE

DEPARTMENT TWELVE  
LAS VEGAS, NEVADA 89155

*Ann L. Blum*

CLERK OF THE COURT

THE STATE OF NEVADA

CASE NO. C-15-308371-1

PLAINTIFF

DEPT. 12

-VS-

Ronny D. Powe

NOTICE OF APPEAL

COMES - NOW - DEFENDANT Ronny D. Powe, MOVES  
FOR ORDER APPEALING DISTRICT COURT ORDER  
GRANTING OR DENYING MOTION FOR HOUSE  
ARREST, WHERE DEFENDANT Ronny D. Powe  
APPEALS IN DISTRICT COURT DEPT-NO. 12 ON  
6/30/15 DEFENDANT Ronny D. Powe CONTENTS  
HE NEVER RECEIVED NOTICE OF, IN WHICH  
DEFENDANT RONNY D. Powe SUBJECTS SUCH  
ORDER IS VOID FOR LACK OF JURISDICTION  
DUE TO THE EXPIRATION OF STATUTORY  
TIME LIMIT. DEFENDANT Ronny D. Powe  
SEEKS SUCH REVIEW FROM THE APPELATE  
COMPOTENT JURISDICTION

Ronny D. Powe  
SUBMITTED 4/9/17

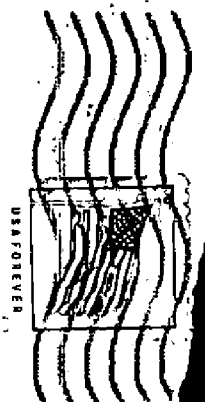
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APR 13 2017 #24

CLERK OF THE COURT

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

LAS VEGAS, NV 890  
11 APR 2017 PM 5 L



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

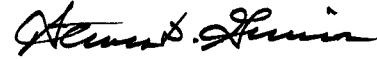
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HIGH DESERT STATE PRISON  
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CLERK OF THE COURT

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

9  
10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 RONNY POWE aka RONNY DARROW POWE,

14 Defendant(s),

Case No: C-15-308371-1

Dept No: XII

15  
16  
17 **CASE APPEAL STATEMENT**

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

19 2. Judge: Michelle Leavitt

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

21 Counsel:

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

25 4. Respondent: The State of Nevada

26 Counsel:

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



(702) 671-2700

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

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

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

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

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

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

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

Type of Judgment or Order Being Appealed: Unknown

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 14 day of April 2017.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Ronny D. Powe

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 72840  
District Court Case No. C308371

**FILED**

JUN 20 2017

*Elizabeth A. Brown*  
CLERK OF COURT

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

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

**JUDGMENT**

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

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 19<sup>th</sup> day of May, 2017.

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

Elizabeth A. Brown, Supreme Court Clerk

By: Dana Richards  
Deputy Clerk

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



IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 72840

**FILED**

MAY 19 2017

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

**ORDER DISMISSING APPEAL**

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

ORDER this appeal DISMISSED.

J. Hardesty, J.  
Hardesty

J. Parraguirre, J.  
Parraguirre

J. Stiglich, J.  
Stiglich

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

**CERTIFIED COPY**

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

DATE: June 14, 2017

Supreme Court Clerk, State of Nevada

By D. Richards Deputy

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

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

**Supreme Court No. 72840**  
District Court Case No. C308371

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

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

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

DATE: June 14, 2017

Elizabeth A. Brown, Clerk of Court

By: Dana Richards  
Deputy Clerk

cc (without enclosures):

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

**RECEIPT FOR REMITTITUR**

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

**HEATHER UNGERMANN**  
Deputy District Court Clerk

**RECEIVED**

**JUN 16 2017**

**CLERK OF THE COURT**

LSF

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DISTRICT COURT

CLARK COUNTY, NEVADA

C-15-308371-1  
LSF  
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THE STATE OF NEVADA,  
Plaintiff →

vs.  
Ronny D. Poule,  
Defendant,

Case No. C-15-308371-1

Dept. No. 12

Docket \_\_\_\_\_

**ORDER**

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

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

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

DATED and DONE this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

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DEC 04 2017

CLARK COUNTY DISTRICT COURT

27

*Steven D. Grierson*

mc  
DA  
PO

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,  
vs.  
Ronny D. Poule  
Defendant,

Case No. C-15-308371-1  
Dept No. 12  
Docket \_\_\_\_\_

**NOTICE OF MOTION**

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

will come on for hearing before the above-entitled Court on the 02 day of January, 2018,  
at the hour of 8:30 o'clock A. M. In Department 12, of said Court.

CC:FILE

DATED: this 29 day of 11, 2017.

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

RECEIVED  
DEC 06 2017

CLERK OF THE COURT  
CLERK OF THE COURT

RECEIVED  
DEC 04 2017



Ronny D. Poule #1173457

In Propria Personam  
Post Office Box 650 [HDSP]  
Indian Springs, Nevada 89018

Steven D. Grierson

ML  
DA  
PO

IN THE 8TH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

THE STATE OF NEVADA,  
Plaintiff,

vs.

Ronny D. Poule  
Defendant,

Case No. C-15-308371-1

Dept. No. 12

Docket \_\_\_\_\_

**MOTION TO WITHDRAW COUNSEL**

Date of Hearing: 01/02/18

Time of Hearing: 8:30 AM

'ORAL ARGUMENT REQUESTED, Yes \_\_\_\_\_ No \_\_\_\_\_'

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

CRAIG W. DRUMMOND

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

DATED: this 29 day of 11, 2017.

BY:

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

RECEIVED

DEC 03 2017

CLERK OF THE COURT

RECEIVED

DEC 04 2017

CLERK OF THE COURT

1 **POINTS AND AUTHORITIES**

2 NRS 7.055 states in pertinent part:

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

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

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

17 **DATED:** this 29 day of 11, 2017.

18 Respectfully submitted,

19 BY: R.D. Bule  
20 Ronny D. Bule #1173457#  
21 In Propria Personam  
22 Post Office Box 650 [HDSP]  
23 Indian Springs, Nevada 89018

NAME: Ronny D. Powe # 1173457  
HIGH DESERT STATE PRISON  
P.O. BOX 650  
INDIAN SPRINGS, NEVADA 89018

DATE: 11-29-2017

TO: CRAIG W. DRUMMOND  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C-15-308371-1

DEPT. NO.: 12

CASE NAME: POWE VERSUS STATE

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

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

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

Your prompt attention to this request is genuinely appreciated.

Respectfully,

R.D. Powe

/////

/////

-----

RECEIVED

DEC 04 2017

CLERK OF THE COURT

**CERTIFICATE OF SERVICE BY MAILING**

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

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

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

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

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

CC: FILE

DATED: this 29 day of 11, 2017

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

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Motion to withdraw counsel.  
(Title of Document)

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

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

-OR-

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

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

\_\_\_\_\_  
(State specific law)

-or-

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

X R.D. Buse  
Signature

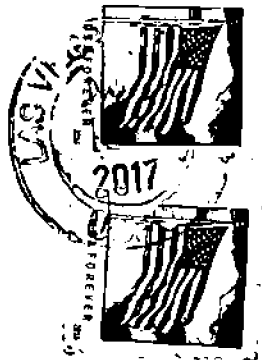
11/29/2017  
Date

Ronny Spouse  
Print Name

\_\_\_\_\_  
Title

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

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



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

IN THE 8<sup>TH</sup> JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

*Steven D. Grierson*

RONNY POWE,  
Plaintiff,

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

V.

Hearing Date: 3-15-18

STATE OF NEVADA,  
Respondent.

Time: 8:30am

NOTICE OF MOTION

MOTION FOR MODIFICATION OF SENTENCE

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

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

RECEIVED

FEB 13 2018

CLERK OF THE COURT

CLERK OF THE COURT

RECEIVED  
FEB 21 2018

# POINTS AND AUTHORITIES

## I. STANDARD OF REVIEW

The NEVADA Supreme Court Has Long Recognized That Courts Have The Power And Jurisdiction To modify A Sentence. See, STALEY V. STATE, 787 P2d 396, 106 Nev. 75 (1990):

" . . . That if A Sentencing court Pronounces Sentence within Statutory Limits, The Courts will Have Jurisdiction To modify, suspend or otherwise correct That Sentence if it is Based upon materially untrue Assumptions or mistakes which work to The extreme Detriment of The Defendant. Id.

Plaintiff Believes That This Court Has, Based upon Staley, The Jurisdiction To modify His Sentence, Due to The Sentence Being Pronounced Based upon A Presentence Investigation Report (PSI) which Did Have material Facts in error which He will Discuss in The Below Statement of Facts.



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

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

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

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

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

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

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

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

1  
2  
3 II. STATEMENT OF FACTS

4  
5 ON December 22, 2016, Plaintiff entered A Plea  
6 OF Guilty of:

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

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

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

22  
23 The Department of Parole and Probation DID  
24 Submit To This Court A Presentence Investigation  
25 (PSI) Report in case No. C-15-308371-1 on  
26 Jan. 19, 2017, Prior To Sentencing.  
27  
28

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

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

11 However, The ACTUAL number of PRISON PRISON  
12 Terms Served By Powe is Three (3), Half of  
13 what The Judge saw in The incorrect  
14 Presentence investigation Report. And Thus,  
15 Half of what He Based His Sentence of Powe  
16 on, and Therefore, Pursuant to Townsend v.  
17 Burke, 334 U.S. at 741, The above Report and  
18 Sentence Therefrom, is inconsistent with Due  
19 Process OF Law.  
20

21 Further, Plaintiff would ASK That Since  
22 NRS 176.133 - 176.165 Requires The Department  
23 OF Parole and Probation To investigate and  
24 make evaluations of A criminal Defendant,  
25  
26  
27  
28

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

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

### 15 CONCLUSION

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

22 Dated This 7<sup>th</sup> Day of February 2018.

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

CERTIFICATE OF SERVICE

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

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

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

Address: 200 Lewis Ave  
Las Vegas, NV. 89155

Sent to: Office of the District Attorney, Steven B. Wolfson

And  
Steven D. Grierson, Clerk of the Court  
200 Lewis Ave, 3<sup>rd</sup> Floor  
Las Vegas, NV. 89155

DECLARATION UNDER PENALTY OF PERJURY

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

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

X Ronny D. Powe # 1173457  
DOP#

PETITIONER -- In Proper Person

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

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

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

**December 20, 2016      8:30 AM      Calendar Call**

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

<b>PRESENT:</b>	Drummond, Craig	Attorney
	POWE, RONNY	Defendant
	Smith, Tyler	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

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

**CUSTODY**

1/03/17 10:30 A.M. TRIAL BY JURY

**PRINT DATE:** 12/22/2017**Page 19 of 24****Minutes Date:** July 31, 2015

EXHIBIT-A



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

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

**Military Service:** None reported

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

**Mental Health History:** No significant concerns are reported.

**Gambling History:** No history reported.

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

**Gang Activity/Affiliation:** None reported

**IV. CRIMINAL RECORD**

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

**CONVICTIONS-** FEL: 6 GM: 0 MISD: 5

**INCARCERATIONS-** PRISON: 6? JAIL: 1

**SUPERVISION HISTORY:**

**CURRENT-** Probation Terms: 0 Parole Terms: 0

**PRIOR TERMS:**

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

**Adult:**

<b>Arrest Date:</b>	<b>Offense:</b>	<b>Disposition:</b>
07-31-83	Robbery (F)	A458956
Los Angeles, CA		11-08-83: Convicted of Robbery (F), 3
LAPD		years prison
		06-26-85: Paroled

EXHIBIT-B

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

10-04-85  
 Los Angeles, CA  
 LAPD

Transport/Sell Narcotic/Controlled  
 Substance (F)

**A031905**

12-13-85: Convicted of Possess  
 Narcotic Controlled Substance (F), 16  
 months prison  
 08-25-86: Paroled

07-05-90  
 Long Beach, CA  
 LBPB

1. Possess/Manufacture/Sell  
 Dangerous Weapon (F)  
 2. Carry Concealed Weapon in  
 Vehicle (M)  
 3. Possess Control Substance  
 Paraphernalia (M)

**NA004137**

10-02-90: Convicted of  
 Possess/Manufacture/Sell Dangerous  
 Weapon (F) and Felon/Addict Possess  
 Firearm (F), 2 years prison

09-10-90  
 Los Angeles, CA  
 LAPD

Grand Theft: Vehicles, Vessels (F)

**TA008761**

10-24-90: Convicted of Take Vehicle  
 without Owner's Consent/Vehicle  
 Theft, enhancement with Prior Prison  
 (F) and Receive/Known Stolen  
 Property (F), 3 years prison

06-10-95  
 Henderson, NV  
 HPD

DUI (M)

**7057833-1**

06-27-95: Convicted of DUI (M),  
 \$500 fine, community service, Victim  
 Impact Panel and school

05-08-13  
 Henderson, NV  
 HPD

WA: Battery Domestic Violence  
 (M)

**13CR004133**

08-05-13: Convicted of Domestic  
 Battery 1<sup>st</sup> (M), 180 days jail, 54 days  
 CTS, 48 hours community service,  
 counseling \$200 fine  
 06-23-15: Warrant issued, \$5,140 bail  
 (active)

05-08-13  
 Henderson, NV  
 HPD

WA: Assault with Deadly Weapon  
 (F)

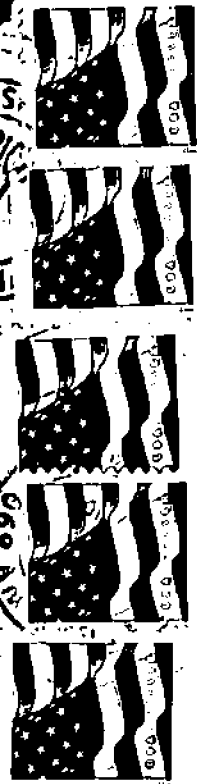
**13FH0344X**

05-30-13: Convicted of Assault (M),  
 90 days suspended, \$500 fine, stay out  
 of trouble

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

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

ES1013E300 C075



DISTRICT COURT  
CLARK COUNTY, NEVADA

The State of Nevada

Plaintiff

vs.

Ronny D. Powe

Defendant

Case No. C-15-308371-1

Dept. No. 12

Docket

**ORDER**

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

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

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

DATED and DONE this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

DISTRICT COURT JUDGE

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



RECEIVED

MAR 05 2018

CLERK OF THE COURT

*Steven D. Grierson*

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

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

8 The State of Nevada  
9 Plaintiff

10 vs.

11 Ronny D. Powe  
12 Defendant

Case No. C-15-308371-1

Dept No. 12

Docket \_\_\_\_\_

14 **NOTICE OF MOTION**

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

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

20 CC:FILE

22 DATED: this 27 day of Feb, 2018

BY: R Powe

Ronny D. Powe 1173457 #  
In Propria Personam

MC  
DA  
PP

CLERK OF THE COURT

MAR 14 2018

RECEIVED

RECEIVED

MAR 05 2018

CLERK OF THE COURT

*Steven D. Grierson*

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

5 DISTRICT COURT  
6 Clark COUNTY, NEVADA

7  
8 The State of Nevada

9 Plaintiff,

10 vs.

11 Ronny D. Powe 1173457

12 Defendant.

Case No. C-15-308371-1

Dept No. 12

Docket \_\_\_\_\_

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

16 Date of Hearing: 4-5-18

17 Time of Hearing: 8:30 AM

18 "ORAL ARGUMENT REQUESTED, Yes \_\_\_ No \_\_\_"

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

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

DATED: this 27 day of Feb., 2018

BY: R. Powe

Ronny D. Powe 1173457 #  
Defendant/In Propria Personam

CLERK OF THE COURT

RECEIVED  
MAR 14 2018

RECEIVED

MAR 05 2018

CLERK OF THE COURT

## POINTS AND AUTHORITIES

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

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

As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s) of record, were appointed by the Court to represent the defendant, who was an indigent, in Case Number ~~64-5-3831~~ in Department No. 12.

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

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

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

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

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

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

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

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

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



**CERTIFICATE OF SERVICE BY MAILING**

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

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

CC:FILE

DATED: this 27 day of Feb., 2018

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

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



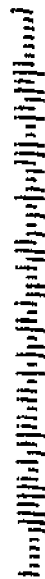
LAS VEGAS NV 890

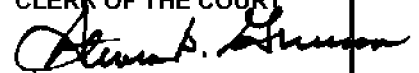
01 MAR 2018 PM 4 L

UNDELIVERABLE  
RETURN TO SENDER

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

000000-010189





RSPN  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
CHARLES W. THOMAN  
Deputy District Attorney  
Nevada Bar #012649  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-308371-1

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

DEPT NO: XII

Defendant.

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

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

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

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

///

///

///

///

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

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

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

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

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

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

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

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

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

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

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

## 12 ARGUMENT

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

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

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

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

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

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

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

### 19 CONCLUSION


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

22 DATED this 15th day of May, 2018.

23 Respectfully submitted,

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

27 BY

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

CERTIFICATE OF MAILING

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

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

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

al/CWT/td/dvu

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

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

BY: \_\_\_\_\_  
DISTRICT COURT JUDGE

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C-16-308371-1  
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CLERK OF THE COURT



MC  
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Electronically Filed **56**  
6/21/2018 10:06 AM  
Steven D. Grierson  
CLERK OF THE COURT  
*Steven D. Grierson*

DISTRICT COURT  
CLARK COUNTY, NEVADA

July 12, 2018 @8:30 am

Ronney Powe,  
Plaintiff,

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

v.

STATE OF NEVADA,  
Respondent.

PLAINTIFF'S MOTION  
FOR RECONSIDERATION

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

This Reply is made and Based upon all  
The Papers and Pleadings on File Herein,  
And The attached Argument in support  
Hereof.

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CLERK OF THE COURT

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CLERK OF THE COURT

## ARGUMENT

In The STATES Response, The State, stated,

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

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

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

### CONCLUSION

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

Dated This 13 Day of June 2018

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

MC  
DA  
PP

*Steven D. Grierson*

DISTRICT COURT  
CLARK COUNTY, NEVADA

July 12, 2018 @8:30 am

Ronney Powe,  
MOVANT,

CASE No. C-308371-1

Dept No. XII

V.

STATE OF NEVADA,  
Respondant.

MOTION FOR LEAVE TO FILE  
A LATE MOTION FOR  
RECONSIDERATION

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

This Request For Leave To File Late  
Reply is necessary for the following  
Reasons.

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

The Original Hearing Date was set for  
March 15, 2018. However, on May 21, 2018,  
Almost two months after the Hearing Date,

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CLERK OF THE COURT

CLERK OF THE COURT

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

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

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

Dated This 13 Day of June 2018

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

*Steven D. Grierson*

CASE NO. C-15-308371-1

DEPT. NO. XII

IN THE 8<sup>th</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

RONNY POWE

PLAINTIFF

-vs-

STATE OF NEVADA

Respondent

July 12, 2018 @ 8:30 am

NOTICE OF MOTION AND MOTION  
FOR TRANSCRIPTS AT STATE  
EXPENSE

PLEASE TAKE NOTICE that RONNY POWE, PLAINTIFF  
who is appearing in the above-entitled matter in propria per-  
sona, will move this Honorable Court on a time and date to be  
determined by the clerk of the Court, or as soon thereafter,  
that petitioner can be heard, for an order to provide tran-  
scripts, any and all pleadings in the above-entitled case.  
That these are to be sent to the petitioner at the expense of  
the State of Nevada, due to petitioner's proverty.  
POWE can demonstrate a prima facie need for the tran-  
scripts, pleadings, and any and all other transcribed material  
with regards to the above-entitled case. That this motion is  
made and based upon all of the records, files, and pleadings  
which are on file with the clerk of the court, the attached  
affidavit of the petitioner, and on the attached memorandum

CLERK OF THE COURT

JUN 21 2018

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JUN 20 2018

CLERK OF THE COURT

1 of Points and Authorities.

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

4 DATED this 18 day of June, 2018

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6

Respectfully Submitted

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ss/ Powe # 1173457

9

(Plaintiff In Proper Person)

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*Steven D. Grierson*

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

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

7  
8 RONNY POWE  
9 PLAINTIFF

10 vs.

11 STATE OF NEVADA  
12 Respondent

Case No. C-308371

Dept No. XII

Docket \_\_\_\_\_

13  
14 **NOTICE OF MOTION**

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

16  
17 will come on for hearing before the above-entitled Court on the \_\_\_\_ day of July 12, 2018  
18 at the hour of 8:30 am o'clock \_\_\_\_ M. In Department \_\_\_\_, of said Court.

19  
20 CC:FILE

21  
22 **DATED:** this 18 day of June, 2018.

23  
24 BY: RPowe # 1173457  
25 Ronny Powe #  
Plaintiff/ In Propria Personam

CLERK OF THE COURT

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CLERK OF THE COURT



*Steven D. Giersen*

CASE NO. C-15-308371-1

DEPT. NO. XII

RONNY POWE

PLAINTIFF,

VS.

STATE OF NEVADA

Respondent.

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

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

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

" . . . does not contemplate that a record will be furnished at State Expense upon mere unsupported request of a petitioner who is unable to pay for them. . . 178 must be satisfied the

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

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

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

12 DATED this 18 day of June, 2018.

13 ss/ RPowe # 1173457  
14 RONNY POWE  
15  
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1 AFFIDAVIT OF RONNY POWE

2 STATE OF NEVADA )

) SS:

3 COUNTY OF CLARK )

4 TO WHOM IT MAY CONCERN:

5 I, RONNY POWE, the undersigned, do hereby swear that all the  
6 following statements and description of events, are true and correct, of my own  
7 knowledge, information, and belief, and to those I believe to be true and  
8 correct. Signed under penalty of perjury pursuant to NRS 208.165.

9 (1) THAT The Sentencing transcripts are needed  
10 to perfect a motion to correct an illegal  
11 sentence. It is possible, to the best of Powe's  
12 memory, that the language used during  
13 sentencing made have caused Powe's enhanced  
14 sentence of sixty (60) months to one hundred  
15 fifty (150) months may be illegal. The  
16 transcripts are necessary to ascertain the  
17 truth in this matter.

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FURTHER, AFFIANT SAYETH NAUGHT.

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

IN FRONT OF: C/O Jackson BY Blaw  
Damit

NDOC # 1173457

**CERTIFICATE OF SERVICE BY MAILING**

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

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

CC:FILE

DATED: this 18 day of June, 2018.

RPowe  
Ronny Powe # 117345  
PLAINTIFF /In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

## AFFIRMATION

**Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding notice of

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

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

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

**-OR-**

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

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

(State specific law)

**-or-**

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

PP  
Howe  
Signature

6-18-18  
Date

Rowny Powe

---

Print Name

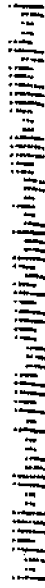
Pro se

Title:

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

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

8910135300 0075



HIGH DESERT STATE PRISON

JUN 17 2018

UNIT 5A/B



**ORDR**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
LISA LUZAICH  
Chief Deputy District Attorney  
Nevada Bar #005056  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

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

Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

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

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

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

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**RECEIVED**

JUN 08 2018


**DEPT. 12**

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

3 DATED this 20 day of June, 2018.

4  
5   
DISTRICT JUDGE

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

TJ

8  
9 BY 

LISA LUZAICH  
10 Chief Deputy District Attorney  
11 Nevada Bar #005056

12  
13 CERTIFICATE OF SERVICE

14 I certify that on the 7th day of June, 2018, I mailed a copy of the foregoing Order  
15 Denying Defendant's Motion To Modify Sentence to:

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

19  
20 BY: 

Theresa Dodson  
21 Secretary for the District Attorney's Office

22  
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27  
28 td/dvu

*Steven D. Grierson*

1 Ronny Powe # 1173457  
2 Appellant In Proper Person  
3 P.O. Box 650 H.D.S.P.  
4 Indian Springs, Nevada 89018

5 8th DISTRICT COURT  
6 CLARK COUNTY NEVADA

7 Ronny Powe  
8 Appellant  
9 -v-  
10 STATE OF NEVADA  
11 Respondent

Case No. C-308371-1  
Dept. No. XIV  
Docket \_\_\_\_\_

14 NOTICE OF APPEAL

15 Notice is hereby given that the Appellant, Ronny  
16 POWE, by and through himself in proper person, does now appeal  
17 to the Supreme Court of the State of Nevada, the decision of the District  
18 Court Denial of POWE'S MOTION FOR TRANSCRIPTS  
19 AT STATE expense

20  
21 Dated this date, 8/2/18

22  
23 Respectfully Submitted,

24 RPowe # 1173457  
25 In Proper Person  
26  
27  
28

CLERK OF THE COURT

RECEIVED  
28 AUG 07 2018

**CERTIFICATE OF SERVICE BY MAILING**

I, Ronny Powe, hereby certify, pursuant to NRCP 5(b), that on this 2  
day of Aug., 2018, I mailed a true and correct copy of the foregoing, "notice  
of Appeal"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Steven D. Grierson  
clerk of the Court  
700 Lewis Ave 3<sup>rd</sup> Floor  
Las Vegas, NV. 89155-1166

DATED: this 2 day of Aug., 2018

R Powe # 1173457  
Ronny Powe #  
Appellant / In Propria Persona  
Post Office box 650 [HDSP]  
Indian Springs Nevada 89018

**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE

of appeal

(Title of Document)

filed in District Court Case number C-308371-1

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

**-OR-**

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

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

**(State specific law)**

-05-

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

Rowe #1173457  
Signature

8/2/18  
Date

Ronny Powe  
Print Name

Pro Per  
Title



*Steven D. Grierson*

1 RONNY POWE #1173457

2 Appellant In Proper Person  
3 P.O. Box 650 H.D.S.P.  
4 Indian Springs, Nevada 89018

5 8th DISTRICT COURT

6 CLARK COUNTY NEVADA

7  
8 RONNY POWE,

9 APPELLANT,

10 -v-

11 STATE OF NEVADA,

12 Respondent,

Case No. C-308371-1

Dept.No. XIV

Docket \_\_\_\_\_

13  
14 NOTICE OF APPEAL

15 Notice is hereby given that the Appellant, Ronney  
16 Powe, by and through himself in proper person, does now appeal  
17 to the Supreme Court of the State of Nevada, the decision of the District  
18 Court Denial of POWE'S MOTION For modification  
19 of sentence.

20  
21 Dated this date, 8/2/18.

22  
23 Respectfully Submitted,

24 RPowe #1173457

25 In Proper Person

RECEIVED  
AUG 07 2018  
CLERK OF THE COURT

**CERTIFICATE OF SERVICE BY MAILING**

I, Ronny Powe, hereby certify, pursuant to NRCP 5(b), that on this 2  
day of Aug., 2018 I mailed a true and correct copy of the foregoing, "notice  
of Appeal."

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

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

DATED: this 2 day of Aug, 2018.

R Powe #1173457  
Ronny Powe  
Appellant / In Propria Persona  
Post Office box 650 [HDSP]  
Indian Springs Nevada 89018

**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding notice

8 F appeal

(Title of Document)

filed in District Court Case number C-308371-1

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

**-OR-**

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

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

**(State specific law)**

**-or-**

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

Howe # 1173457  
Signature

8/2/18  
Date

Ronny Powe  
Print Name

Pro Per  
Title



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

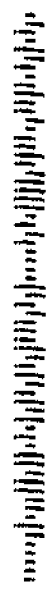
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UNITED STATES POSTAL SERVICE



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

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1 ASTA

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 RONNY POWE  
14 AKA RONNY DARROW POWE,

15 Defendant(s),

Case No: C-15-308371-1

Dept No: XII

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Ronny Powe

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Ronny Powe

22 Counsel:

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

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.

Las Vegas, NV 89101  
(702) 671-2700

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

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

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

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

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

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

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 72840

12. Child Custody or Visitation: N/A

Dated This 9 day of August 2018.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Ronny Powe



1 ASTA

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 RONNY POWE  
14 AKA RONNY DARROW POWE,

15 Defendant(s),

Case No: C-15-308371-1

Dept No: XII

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Ronny Powe

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Ronny Powe

22 Counsel:

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

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.

Las Vegas, NV 89101  
(702) 671-2700

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

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

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

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

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

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

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 72840,

12. Child Custody or Visitation: N/A

Dated This 9 day of August 2018.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Ronny Powe



**ORDR**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MICHAEL DICKERSON  
Deputy District Attorney  
Nevada Bar #013476  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-308371-1

RONNY POWE, aka,  
Ronny Darrow Powe #1415128

DEPT NO: XII

Defendant.

**ORDER DENYING DEFENDANT'S MOTION FOR TRANSCRIPTS AT STATE  
EXPENSE, MOTION FOR RECONSIDERATION, AND MOTION FOR LEAVE TO  
FILE A LATE MOTION FOR RECONSIDERATION**

DATE OF HEARING: JULY 12, 2018  
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 12th day of July, 2018, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through MICHAEL DICKERSON, Deputy District Attorney, and without argument, based on the pleadings and good cause appearing therefor,

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1 IT IS HEREBY ORDERED that the Defendant's Motion for Transcripts At State  
2 Expense, Motion For Reconsideration, and Motion For Leave To File A Late Motion For  
3 Reconsideration, shall be, and all are DENIED.

4 DATED this 17 day of August, 2018.

5  
6   
DISTRICT JUDGE

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

10 BY   
11 MICHAEL DICKERSON  
12 Deputy District Attorney  
13 Nevada Bar #013476

14 CERTIFICATE OF SERVICE

15 I certify that on the 22nd day of August 2018, I mailed a copy of the foregoing Order  
16 to:

17 RONNY POWE #1173457  
18 High Desert State Prison  
19 P.O. Box 650  
Indian Springs, NV 89070

20 BY   
21 M. CRAWFORD  
22 Secretary for the District Attorney's Office

23  
24  
25  
26  
27  
28 15F08892A/mc/DVU

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 76654  
District Court Case No. C308371

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

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

JUDGMENT

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

"ORDER these appeals DISMISSED."

Judgment, as quoted above, entered this 14th day of September, 2018.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
October 11, 2018.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll  
Chief Deputy Clerk

**FILED**

OCT 16 2018

*Elizabeth A. Brown*  
CLERK OF COURT



C-15-308371-1  
CCJD  
NV Supreme Court Clerks Certificate/Judgm  
4788427





IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 76654 ✓

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

No. 76655

**FILED**

SEP 14 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

**ORDER DISMISSING APPEALS**

These are pro se appeals from district court orders denying a motion for transcripts at state expense and denying a motion to modify sentence. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

This court's review of these appeals reveals jurisdictional defects. No statute or court rule permits an appeal from an order denying a motion for transcripts at state expense. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). To the extent that appellant appeals from the order denying a motion to modify sentence, the notice of appeal was untimely filed. The order denying a motion to modify sentence was entered on July 2, 2018. However, the notice of appeal was not filed until August 7, 2018, six days after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this

court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994).  
Accordingly, we conclude that we lack jurisdiction to consider these appeals,  
and we

ORDER these appeals DISMISSED.

Pickering, J.  
Pickering

Gibbons J.  
Gibbons

Hardesty, J.  
Hardesty

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

**CERTIFIED COPY**

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

DATE: 10/11/18

Supreme Court Clerk, State of Nevada

By [Signature] Deputy

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

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

**Supreme Court No. 76654**  
District Court Case No. C308371

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

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

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

DATE: October 11, 2018

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll  
Chief Deputy Clerk

cc (without enclosures):

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

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on OCT 16 2018.

Deputy HEATHER UNGERMANN   
District Court Clerk

RECEIVED  
APPEALS

OCT 16 2018

CLERK OF THE COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 76655  
District Court Case No. C308371

**FILED**

OCT 16 2018

*Elizabeth A. Brown*  
CLERK OF COURT

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

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**JUDGMENT**

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"ORDER these appeals DISMISSED."

Judgment, as quoted above, entered this 14th day of September, 2018.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this October 11, 2018.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll  
Chief Deputy Clerk

C-16-308371-1  
CCJD  
NV Supreme Court Clerks Certificate/Judgm  
4788428



IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 76654

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

No. 76655 ✓

**FILED**

SEP 14 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEALS*

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This court's review of these appeals reveals jurisdictional defects. No statute or court rule permits an appeal from an order denying a motion for transcripts at state expense. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). To the extent that appellant appeals from the order denying a motion to modify sentence, the notice of appeal was untimely filed. The order denying a motion to modify sentence was entered on July 2, 2018. However, the notice of appeal was not filed until August 7, 2018, six days after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this

court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider these appeals, and we

ORDER these appeals DISMISSED.

	<u>Pickering</u> , J. Pickering	
<u>Gibbons</u> J. Gibbons		<u>Hardesty</u> , J. Hardesty

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

**CERTIFIED COPY**

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

DATE: 10/11/18

Supreme Court Clerk, State of Nevada

By Angela Deputy



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

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

**Supreme Court No. 76655**  
District Court Case No. C308371

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

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

DATE: October 11, 2018

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll  
Chief Deputy Clerk

cc (without enclosures):

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

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on OCT 16 2018.

Deputy HEATHER UNGERMANN   
District Court Clerk

RECEIVED  
APPEALS

OCT 16 2018

CLERK OF THE COURT



1 RTRAN

2  
3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 RONNY POWE,

10 aka, RONNY DARROW POWE,

11 Defendant.

)  
) CASE NO. C308371-1

)  
) DEPT. XII  
)  
)  
)  
)  
)

12 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

13 TUESDAY, FEBRUARY 14, 2017

14 **RECORDER'S TRANSCRIPT RE:**  
15 **SENTENCING**

16 APPEARANCES:

17 For the Plaintiff:

SHANON L. CLOWERS, ESQ.  
Chief Deputy District Attorney

18  
19 For the Defendant:

CRAIG W. DRUMMOND, ESQ.

20  
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23  
24  
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, FEBRUARY 14, 2017

2 \* \* \* \* \*

3 [Case called at 8:37 a.m.]

4 THE COURT: State versus Ronny Powe, C308371.

5 MR. DRUMMOND: And, Your Honor, Craig Drummond –

6 THE COURT: He's present.

7 MR. DRUMMOND: – present with him.

8 THE COURT: He's in custody. It's on for sentencing.

9 Sir, is there any legal cause or reason why judgment should not be  
10 pronounced against you at this time?

11 THE DEFENDANT: No.

12 THE COURT: By virtue of your plea entered in this matter, I hereby  
13 adjudicate you guilty of First Degree Kidnapping with Use of a Deadly Weapon.

14 Does the – I know there is a stipulation. Does the State want to be  
15 heard?

16 MS. CLOWERS: No, Your Honor.

17 THE COURT: Do you want to say anything, sir?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Sure.

20 THE DEFENDANT: Okay. First of all, I would like to apologize to the  
21 victim, the Court, and my family. My thoughts and prayers go out to everyone  
22 involved in the case. If I could take it away, take away all the pain and suffering,  
23 I would. I would gladly walk in their shoes. I'm very remorseful. If only I could  
24 turn back the hands of time, but I can't.

1 I'm a 57-year-old man, who has attended two different colleges. I'm  
2 certified in three different fields and up to this point, I was a model citizen. Yes.  
3 I'll be the first one to admit, I made a big mistake. One positive thing I can say, I  
4 have and I will always continue to better myself so far this is a – so this will never  
5 happen again. Since June of 2015, I've been in a direct inmate supervision  
6 program. The program consists of nutrition, parenting and leadership, PTSD,  
7 religion, yoga, employment and civil forms. Also, I have certificates from  
8 attending other classes, in anger management, successful release, and male and  
9 female relationships. And that's about it.

10 THE COURT: Thank you.

11 MR. DRUMMOND: Your Honor, if you're willing to follow the  
12 stipulation, and I believe that's the same recommendation on the pre-sentence  
13 report, I don't have anything further. If you would like me to elaborate I can, but if  
14 you're willing to follow that I think we're good.

15 THE COURT: Which is a 5 to life, plus a consecutive 5 to 12-and-a-  
16 half, correct?

17 MR. DRUMMOND: It is, Your Honor, and those were after hard-  
18 fought negotiations, but my client at the end of the day wanted to accept  
19 responsibility and move everyone forward.

20 THE COURT: In accordance with the laws of State of Nevada, this  
21 Court does now sentence you as follows: In addition to a \$25 administrative  
22 assessment, \$150 DNA fee, order you submit to genetic marker testing, impose  
23 a \$3 DNA collection fee. At this time the Court is going to sentence you to life in  
24 the Nevada Department of Corrections with the possibility of parole after serving  
25

1 a minimum of 5 years, plus a consecutive 60 months to 150 months for the  
2 deadly weapon enhancement, for an aggregate sentence of 120 months to life.

3 How much credit does he have?

4 MS. CLOWERS: Six hundred and nine days.

5 THE COURT: With 609 days credit for time served.

6 MS. CLOWERS: Thank you.

7 THE COURT: Thank you.

8 MR. DRUMMOND: Thank you, Your Honor.

9 [Proceedings concluded at 8:41 a.m.]

10 \* \* \* \* \*

11 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
12 proceedings in the above-entitled case to the best of my ability.

13 

14 KRISTINE SANTI  
15 Court Recorder  
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1 RTRAN

2  
3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 RONNY POWE,

10 aka, RONNY DARROW POWE,

11 Defendant.

CASE NO. C308371-1

DEPT. XII

12 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

13 THURSDAY, DECEMBER 22, 2016

14 **RECORDER'S TRANSCRIPT RE:**  
15 **ENTRY OF PLEA**

16 APPEARANCES:

17 For the Plaintiff:

JEFFREY S. ROGAN, ESQ.  
Chief Deputy District Attorney

VIVIAN LUONG, ESQ.  
Deputy District Attorney

20 For the Defendant:

SCOTT M. HOLPER, ESQ.  
ROY L. NELSON, III, ESQ.

22  
23  
24  
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, DECEMBER 22, 2016

2 \* \* \* \* \*

3 [Case called at 10:21 a.m.]

4 THE COURT: State versus Ronny Powe, C308371, present in  
5 custody.

6 Good morning, sir.

7 THE DEFENDANT: Good morning.

8 MR. HOLPER: Your Honor, my apologies. I received a message.  
9 Mr. Drummond is out of town. Court's indulgence.

10 THE COURT: It's my understanding Mr. Powe was going to enter a  
11 plea today.

12 THE DEFENDANT: Yes, but I wanted to speak to him. He said he  
13 was going to talk to me for a brief minute or two so –

14 THE COURT: Okay. Mr. Drummond?

15 THE DEFENDANT: No. This – he can talk to me. He can answer my  
16 questions.

17 THE COURT: Okay.

18 MR. HOLPER: Okay.

19 THE COURT: Go ahead.

20 MR. HOLPER: Thank you, my apologies.

21 [Case trailed and recalled at 11:15 a.m.]

22 THE COURT: State versus Ronny Powe, Case C308371.

23 MR. NELSON: Judge, he's present in custody. With your permission,  
24 it's resolved this morning. I'm standing in for Mr. Drummond. He's going to  
25 plead guilty to one count of First Degree Kidnapping with Use of a Deadly

1 Weapon. Both parties agree on the First Degree Kidnapping portion to a 5 to life  
2 sentence. For the deadly weapon enhancement, it's a 5 to 12-and-a-half year  
3 sentence to run consecutive, so, essentially, it equates to a 10 to life sentence.  
4 I've interlineated on pages 5 and 6 to change the date from October to December  
5 and I've gone over the Guilty Plea Agreement with him; although I'm not his  
6 attorney of record.

7 THE COURT: Is this what you want to do today, sir?

8 THE DEFENDANT: Yes.

9 THE COURT: Your true and full name for the record?

10 THE DEFENDANT: Ronny D. Powe.

11 THE COURT: How old are you?

12 THE DEFENDANT: Fifty-seven.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: College.

15 THE COURT: Do you read, write and understand the English  
16 language?

17 THE DEFENDANT: Yes.

18 THE COURT: You received a copy of the Amended Information in  
19 this case charging you with First Degree Kidnapping with Use of a Deadly  
20 Weapon?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand this charge?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: How do you plead to the charge in the Amended  
25 Information?



1 THE DEFENDANT: [Unintelligible] guilty.

2 THE COURT: I'm sorry?

3 THE DEFENDANT: Guilty.

4 THE COURT: Are you entering into this plea today freely and  
5 voluntarily?

6 THE DEFENDANT: Yes.

7 THE COURT: Anyone threaten or coerce you into entering into this  
8 plea?

9 THE DEFENDANT: No.

10 THE COURT: Other than what's contained in this Guilty Plea  
11 Agreement, anyone make you any promises to get you to enter into this  
12 agreement?

13 THE DEFENDANT: No.

14 THE COURT: I have before me a Guilty Plea Agreement. Is this your  
15 signature on page 5?

16 THE DEFENDANT: Yes.

17 THE COURT: Did you read it before you signed it?

18 THE DEFENDANT: Yes.

19 THE COURT: Did you understand it prior to signing it?

20 THE DEFENDANT: Yes.

21 THE COURT: Were all of your questions answered to your  
22 satisfaction prior to signing it?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you have any questions of the Court regarding this  
25 Guilty Plea Agreement?

1 THE DEFENDANT: No.

2 THE COURT: You understand that you have stipulated to do 5 years  
3 to life in the Nevada Department of Corrections on the Count of First Degree  
4 Kidnapping and that you stipulated to a sentence of 5 to 12-and-a-half years in  
5 the Nevada Department Corrections for the deadly weapon enhancement?

6 THE DEFENDANT: Yes.

7 THE COURT: So you understand you've stipulated to do 10 to life?

8 THE DEFENDANT: Yes.

9 THE COURT: And you understand that, correct?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you have any questions about that?

12 THE DEFENDANT: No.

13 THE COURT: You understand the range of punishment for this  
14 offense is 5 – you understand that the range of punishment is 15 years with  
15 parole eligibility beginning after 5 years, plus the 5 to 15 for the deadly weapon  
16 enhancement – I'm sorry – plus a consecutive 1 to 20 years for the deadly  
17 weapon enhancement. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: You also understand that the State could – I'm sorry –  
20 that the Court could sentence you to life in prison with the possibility of parole  
21 with eligibility beginning after a minimum of 5 years has been served?

22 THE DEFENDANT: Yes.

23 THE COURT: And you understand sentencing is completely within  
24 the discretion of the Court; that no one can make you any promises regarding  
25 what will happen at the time of sentencing?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: But you understand you have stipulated to do 10 to  
3 life?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you have any questions about that?

6 THE DEFENDANT: No.

7 THE COURT: You also understand you are giving up all of your trial  
8 rights by entering into this plea today; that you do have a right to a speedy and  
9 public trial; that if this matter went to trial the State would be required to prove  
10 each of the elements as alleged in their charging document by proof beyond a  
11 reasonable doubt. Did your attorney explain to you what the State would have to  
12 prove?

13 THE DEFENDANT: I'm not sure.

14 Did you go over that part?

15 THE COURT: Did you –

16 MR. NELSON: Well –

17 THE COURT: You spoke to – you were getting ready to go to trial.

18 THE DEFENDANT: Yes.

19 THE COURT: And you and Mr. Drummond had an opportunity to  
20 discuss what the State would have to prove if this matter went to trial, correct?

21 THE DEFENDANT: Yes.

22 THE COURT: You had a chance to discuss any defenses that you  
23 would have to these charges?

24 THE DEFENDANT: Yes.

25

1 THE COURT: You understand at the time of trial you'd have the right  
2 to testify, to remain silent, to have others come in and testify for you, to be  
3 confronted by the witnesses against you and cross-examine them and to appeal  
4 any conviction?

5 THE DEFENDANT: Yes.

6 THE COURT: You understand all of these rights?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: You understand that by entering into this plea today  
9 that you will be giving up all of these rights?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you have any questions about the rights you're  
12 giving up?

13 THE DEFENDANT: No.

14 THE COURT: Do you have any questions about this Guilty Plea  
15 Agreement?

16 THE DEFENDANT: The only thing I have a question about is when it  
17 – hold on, just a second – it says everything is stipulated and then I go to page 2  
18 when it says the 5 to life, plus a minimum of 1 year.

19 MR. NELSON: And a maximum of 20 years. I've explained to him  
20 that –

21 THE COURT: Yeah.

22 MR. NELSON: – he could receive 40 percent of the maximum of 20,  
23 which would be 8, which is higher than what he's stipulating to. I don't know –  
24  
25

1 THE COURT: That's correct. You could receive a higher – you could  
2 receive a higher sentence than what you've stipulated to because it's completely  
3 within the discretion of the Court as to how to sentence you.

4 THE DEFENDANT: Okay.

5 MR. NELSON: And what he's asking is the 1 isn't set in stone. In  
6 other words, you could do more than 1. You could do 8. You could do 7. You  
7 could do 6, etcetera.

8 THE COURT: Sure.

9 MR. NELSON: Okay.

10 THE COURT: The maximum would be 8 to 20.

11 THE DEFENDANT: Okay. I understand.

12 THE COURT: Do you understand that?

13 THE DEFENDANT: Yes.

14 MR. NELSON: So he was questioning – I said, you stipulated to 10 to  
15 life. He was looking at the language from the second page that says 5 to life with  
16 the potential of 1 to 20 running consecutive to it, but I explained there's a range  
17 of punishment for the deadly weapon enhancement that he could – he would  
18 potentially get less, but he could get a whole lot more as well. And that's –

19 THE COURT: Sure.

20 THE DEFENDANT: So there's no 6 to life and then a possibility of  
21 parole?

22 THE COURT: Sorry?

23 THE DEFENDANT: Six to life, possibility of parole?

24 MR. NELSON: See, that's the way he's reading page 2. It's a 5 to life  
25 for the First Degree Kidnapping –

1 THE DEFENDANT: Five to life, plus the 1.

2 THE COURT: Okay.

3 MR. NELSON: – and 1 to 20.

4 THE COURT: You've stipulated to do 10 to life.

5 THE DEFENDANT: Yes. And then I'm looking at the other page  
6 where –

7 THE COURT: I don't think that you should even contemplate that  
8 someone is going to give you less than what you stipulated to do.

9 THE DEFENDANT: Yes. That's what threw me off. I'm not trying to  
10 argue the point, but I just wanted it explained to me more clearly so I can  
11 understand it.

12 THE COURT: Okay. I can tell you that as the consequences of your  
13 plea the Court must sentence you to the Nevada Department of Prison for life  
14 with the possibility of parole with parole eligibility beginning after a minimum of 5  
15 years has been served or a definite term of 15 years with eligibility of parole  
16 beginning after 5 years has been served, plus a consecutive minimum term of  
17 not less than 1 year and a term of not more than 20 years for the use of the  
18 deadly weapon enhancement.

19 THE DEFENDANT: Okay.

20 THE COURT: So whatever the original, so if it's 5 to 15, plus a  
21 consecutive 1 to 20, the Court could sentence you to 12 to 30. The maximum  
22 the Court could sentence you on the deadly weapon enhancement would be 8 to  
23 20.

24 THE DEFENDANT: Okay.

25 THE COURT: Do you understand that?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Okay. Can you tell me what you did in Clark County,  
3 Nevada, on or about the 16<sup>th</sup> day of June 2015, that makes you guilty of First  
4 Degree Kidnapping with –

5 THE DEFENDANT: Everything –

6 THE COURT: – Use of a Deadly Weapon?

7 THE DEFENDANT: Everything that's on page 2 on Exhibit 1.

8 THE COURT: Did you willfully, unlawfully, and feloniously, seize,  
9 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away Ms.  
10 Martin, a human being, with the intent to hold or detain her against her will, and  
11 without her consent, for the purpose of killing and/or inflicting substantial bodily  
12 harm on her, with the use of a deadly weapon: a firearm?

13 THE DEFENDANT: Yes.

14 THE COURT: Is the State satisfied?

15 MR. ROGAN: If the Defendant could just allocute as to who he did  
16 the crime with.

17 THE COURT: Okay. And who did you do the crime with?

18 THE DEFENDANT: According to this, it says my daughter, Thaironya  
19 Breinne –

20 THE COURT: And your daughter has already pled guilty –

21 THE DEFENDANT: Yes.

22 THE COURT: – correct?

23 THE DEFENDANT: Yes.

24 THE COURT: So Thyrona [phonetic] Poe [phonetic]?

25 THE DEFENDANT: No. It's Thaironya.

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THE COURT: Thaironya Poe [phonetic].

THE DEFENDANT: Powe.

THE COURT: Powe?

THE DEFENDANT: Yes.

THE COURT: That's who you did it with?

THE DEFENDANT: Yes.

THE COURT: Okay. Is the State satisfied with that?

MR. ROGAN: Yes.

THE COURT: At this time the Court is going to accept your plea, make a finding you've entered into it freely and voluntarily; that you understand the nature of the charges and the consequences of your plea. The matter will be referred to Parole and Probation and it will be set for sentencing.

THE CLERK: Yes, Your Honor.

February 14, 8:30.

MR. NELSON: Thank you, Your Honor.

THE COURT: Thank you.

MR. ROGAN: Thank you, Your Honor.

THE COURT: Thank you.

[Proceedings concluded at 11:24 a.m.]

\* \* \* \* \*

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.

  
KRISTINE SANTI  
Court Recorder



PP  
PA

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

FILED

APR 01 2019

Alvin L. Blum  
CLERK OF COURT

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 Ronny Powe,  
9 MOVANT  
10 vs.  
11 STATE OF NEVADA  
12 Respondent  
13

Case No. C-15-308371-1

Dept No. XII

Docket \_\_\_\_\_

14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Ronny Powe

16  
17 will come on for hearing before the above-entitled Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
18 at the hour of \_\_\_\_ o'clock \_\_\_\_ M. In Department \_\_\_\_, of said Court.

19  
20 CC:FILE

21  
22 DATED: this 26 day of March, 2019.

23  
24 BY: RPowe  
25 Ronny Powe #1173457  
26 MOVANT / In Propria Personam

RECEIVED

APR 01 2019

CLERK OF DISTRICT COURT

PP  
PA  
RONNY POWE  
# 1173457  
HIGH DESERT STATE PRISON  
P.O. Box 650  
Indian Springs, NV.  
89070

FILED  
APR 01 2019 1  
*Ann L. Blum*  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

May 14 2019  
08:30 AM

RONNY POWE,  
Movant,

CASE No. C-15-30837-1  
Dept No. XII

v.

STATE OF NEVADA,  
Respondent,

MOTION FOR CORRECTION  
OF ILLEGAL SENTENCE.

Comes Now, Movant, Ronny Powe, and hereby  
moves this Honorable Court for correction of illegal  
sentence in the above entitled case.

This motion is made and brought pursuant to  
NEVADA Revised Statute, (NRS) 176.555 and the  
Due Process and Equal Protection clauses of the 14<sup>th</sup>  
Amendment to the United States Constitution,  
and is supported by the attached papers,  
Pleadings and Documents on file herein.

APR 01 2019

CLERK OF THE COURT

## I. STANDARD OF REVIEW FOR CORRECTION OF ILLEGAL SENTENCE.

NRS 176.555 Provides, "The court may correct an illegal sentence at any time."

The NEVADA SUPREME COURT expressly Defined when an illegal sentence has occurred as being:

"An illegal sentence for purpose of a statute identical to NRS 176.555 was defined by the District of Columbia court of appeals as 'one' at variance with the controlling sentence statute, or 'illegal' in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided. . . (cites omitted). A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of the sentence." Edwards v. State, 918 P2d 321, at 324, 112 Nev. 704, at 708 (1996).

Based upon the Decision, ~~Bowe~~ can only Request that his sentence be corrected because his sentence is illegal in the sense that it is at variance with the controlling sentence statute, and goes beyond its authority by setting without jurisdiction and/or imposing a sentence in excess of the statutory maximum provided.

## II. STATEMENT OF FACTS

On February 14, 2017, After a Guilty Plea, The Court Adjudicated Powe Guilty of First Degree Kidnapping with use of a Deadly weapon.

The Court sentenced Powe to a maximum term of Life, with a minimum Parole Eligibility of Five (5) Years, Plus a consecutive term of one Hundred Fifty (150) months, with a minimum Parole Eligibility of sixty (60) months for the Deadly weapon Enhancement.

On February 16<sup>th</sup>, 2017, The Formal Judgment of conviction was entered.

## III. LEGAL ARGUMENT

Powe Submits That His Sentence was illegal in the sense That Powe's sentence was enhanced without the state providing That the weapon supporting the Deadly weapon Finding is a Deadly weapon as Defined in NRS 193.165(6), and NRS 202.253(2).

Therefore, Powe's sentence was Facially illegal Based on the Following Issues:

## ISSUE I.

Powe Agreed To Plead Guilty TO: First Degree Kidnapping with use of a Deadly Weapon (Category A Felony - NRS 200.310, 200.320, 193.165 - NVC 50055).

Both Parties STIPULATE TO A Sentence OF Five(5) Years TO Life in The NEVADA Department OF CORRECTIONS (NDOC) ON The Primary offense OF First Degree Kidnapping.

Both Parties also STIPULATE TO A sentence OF Five(5) Years TO Twelve and one-half (12½) in The NEVADA Department OF CORRECTIONS ON The Deadly Weapon Enhancement.

In This Case, The Controlling Statute Which Controls Sentence enhancement is, NRS 193.165. NRS 193.165(3) STATES,

(3) This Section Does NOT create any separate offense But Provides an additional Penalty For The Primary offense, whose imposition is CONTINGENT upon The Finding of The Prescribed Fact. (Emphasis added)

NRS 193.165 (6)(c), STATES,

(6) AS USED in This Section, "Deadly weapon" means:

(c) A DANGEROUS or Deadly weapon specifically Described in NRS 202.255, 202.265, 202.290, 202.320, or 202.350.

And, NRS 202.253(2) states,

AS USED IN NRS 202.253 TO 202.369, inclusive:

(2) "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

First, NRS 193.165(3) states in part,

"... whose imposition is contingent upon the finding of the Prescribed Facts. (emphasis added).

The Prescribed Fact is that the weapon is indeed a deadly weapon pursuant to NRS 193.165(6)(c), and NRS 202.253(2), and thus is capable of expelling a metal projectile.

In Berry v. State, 125 Nev. 265, at 277, 212 P.3d 1085, at 1094 (Nev. 2009), the Nevada Supreme Court held,

"Because the Legislature drafted specific provisions defining 'deadly weapon' after this court decided Allen and Anderson... the statutory definitions set forth in NRS 193.165(6) control and the state must prove that the weapon is a

'deadly weapon' pursuant to NRS 193.165(6)." *Id.*

Thus, a defendant's challenge, as to whether the Prescribed Facts were proven under the controlling sentence statute, is necessarily a challenge to his sentence that the unproven Prescribed Fact helped

To Produce. Therefore, if The necessary Prescribed Fact is never Proven, it Follows That Powe's Resulting Sentence cannot conform with The Statutory Provision in The Term of The Punishment Authorized, and Consequently, is An illegal Sentence.

The Record Reflects That The state never Attempted To Prove That The weapon was a Deadly weapon under NRS 193.165(6), This is only important Because During The Plea Colloquy The Court Did not elicit The Prescribed Facts, Beyond A Reasonable Doubt, and as stated Above, The state never Presented Evidence To Prove That The weapon was a Deadly weapon under NRS 193.165(6).

Further, Powe originally Plead not Guilty To The Charged Crime[s]. After negotiations Powe Agreed To Plead Guilty To First Degree Kidnapping with the use of A Deadly weapon: To-wit, A Firearm. However, Powe cannot Plead Guilty, Agree, or stipulate To An illegal Sentence, and an unproven Deadly weapon Enhancement Sentence Pursuant To NRS 193.165(6), is An illegal Sentence. The only Exception is when Counsel Fails To Advise His client That He could stipulate To An illegal Sentence only After He informed His client of The Law He would Be stipulating To.

"IN NEVADA, A DEFENDANT CAN AGREE TO AN ILLEGAL SENTENCE. BREAULT V. STATE, 116 NEV. 311, 314, 996 P.2d 888, 889 (NEV. 2000). Because The Record is not clear on whether counsel advise appellant That He could stipulate To A Potential illegal sentence, this case must Be Remanded To The

DISTRICT COURT FOR AN EVIDENTIARY HEARING TO explore whether appellant was fully informed of the Law in NEVADA Prior to making his Decision." Chute v Palmer, 2011 Nev. Unpub. Lexis 1269 (REV. 2011). The Record in this case is clear, Powe's counsel never advised him that he could stipulate to an illegal sentence or informed him of the Law in NEVADA Prior to making his Decision.

Second, whether a sentence is legal or not is a question of Law which the state courts have a duty to decide prior to accepting a guilty plea.

Because a guilty plea is an admission of all the elements of a formal criminal charge, it cannot be truly voluntary unless the defendant possesses an understanding of Law in relation to the facts, see Boykin v. Alabama, 395 U.S. 238, at 243, 89 S.Ct. 1709, 23 L.Ed. 2d 274, at 277 (1969).

NRS 193.165, if proven, exposes Powe to a greater statutory maximum sentence than he would otherwise receive. The problem is, the state never proved the prescribed facts necessary under NRS 193.165(6), nor did Powe plead to the necessary prescribed facts under NRS 193.165(6).

In United States v. Thomas, 355 F.3d 1191 (9th Cir. 2004), Thomas was in possession of 77.86 grams of cocaine base. The indictment alleged that he possessed more than 50 grams of cocaine base. Thomas later pled guilty to possessing more than 50 grams of cocaine base.



However, The Court Never Factually Determined That Thomas Possessed over 50 Grams of Cocaine Base, and Thus, The Thomas's Case was Vacated and Remanded. The Thomas Court Held,

"The Government Has The Burden At The Plea Colloquy To seek an explicit admission of any unlawful conduct which it seeks to attribute to The Defendant. (Citation omitted). Moreover, In Assessing The Scope Of The Facts Established Beyond a Reasonable Doubt By A Guilty Plea, we must Look At what The Defendant Actually Agreed To -- That is, what was Actually Established Beyond a Reasonable Doubt." Id. 355 F.3d at 1199.

In This Case, Powe's Plea Colloquy Does Not Establish That He Admitted The material Facts NECESSARY TO SATISFY NRS 193.165(6) OR NRS 202.253(2). See, Exhibit-A, STATE V. Powe, Case No. C-308371-1 (Recorder's Transcript RE: ENTRY OF Plea, Dec. 22, 2016), Page #10, which states,

"The Court: OKAY, can you tell me what you did in Clark County, Nevada, on or about The 16th Day of June 2015, that make you guilty of First Degree Kidnapping with —

Defendant: EVERYTHING —

The court: — use of a Deadly weapon?

Defendant: EVERYTHING That's on Page 2 on Exhibit 1.

The Court: Did you wilfully, unlawfully, and Feloniously, Seize, Confine, inveigle, entice, Decey, Abduct, conceal, kidnap, or carry away one Martin, A Human Being, with the intent to hold or detain her against her will, and without her consent, For The Purpose of Killing and/or inflicting Substantial

Bodily Harm on Her, with the use of a Deadly  
Weapon: A Firearm?

Defendant: Yes. "Id.

IT'S CLEAR BY THE ABOVE GUILTY PLEA EXCEPT THAT  
POWE NEVER PLEADED TO THE WEAPON BEING A FIREARM  
THAT WAS CAPABLE OF EXPELLING A METAL PROJECTILE.  
ALSO, IT WAS NEVER PROVEN, BEYOND A REASONABLE DOUBT,  
THAT POWE POSSESSED A FIREARM CAPABLE OF EXPELLING A  
METAL PROJECTILE.<sup>1</sup>

FURTHER, IN POWE'S PLEA COLLOQUY, POWE PLEADED GUILTY  
TO PAGE #2 OF EXHIBIT #1. THEREFORE, WE HAVE NO WAY OF  
DETERMINING WHAT EXHIBIT POWE WAS LOOKING AT. THE  
JUDGE READ FROM A PAGE THAT MAY HAVE BEEN PAGE #2  
OF EXHIBIT #1, BUT EVEN THEN, THE JUDGE NEVER SAID  
WHAT DOCUMENT HE WAS READING FROM. (ALTHOUGH IT  
SOUND LIKE THE INDICTMENT.). STILL, IT'S NEVER BEEN  
PROVEN, BEYOND A REASONABLE DOUBT, THAT POWE USED OR  
POSSESSED A DEADLY WEAPON PURSUANT TO NRS 193.165(6).

THE FACT THAT POWE PLEADED GUILTY MEANS NOTHING  
WITHOUT PLEADING GUILTY TO THE PRESCRIBED FACTS NECESSARY  
TO ESTABLISH GUILT PURSUANT TO NRS 193.165(6).

ALSO,

"while we may label a fact as the 'functional  
equivalent of an element' for purposes of Apprendi,  
that does not transform the fact into an offense  
'element' for purposes of winship." Thus, even where  
due process requires that a drug quantity  
allegations be pleaded in the indictment and proven  
to the jury beyond a reasonable doubt, a  
defendant can plead to the elements of the  
offense without admitting the drug quantity  
allegation." see, United States v. Thomas, 355 F.3d

AT 354-55.

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1. TO ALLOW THIS ENHANCEMENT TO STAND MEANS THAT  
NRS 193.165 IS AMBIGUOUS AND MUST BE CHALLENGED.

FURTHER illustrated in, The Nevada Revised statute, 174.035(2), which states in Part,

2. IF A Plea of Guilty or Guilty But Mentally ill is made orally, The Court shall not Accept Such a Plea or a Plea of nolo contendere without First addressing the Defendant Personally and Determining That the Plea is made **VOLUNTARILY WITH UNDERSTANDING OF THE NATURE OF THE CHARGE** and consequences of The Plea. (Emphasis added).

Under Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed. 2d 435, at 446 (2000), The Court Held,

“Under The Due Process Clause of The Fifth Amendment and The Notice and Jury Trial Guarantees of The Sixth Amendment, any Fact (other than Prior convictions) that increases The maximum Penalty For a crime must Be charged in an indictment, Submitted To a Jury, and Proven Beyond a Reasonable Doubt.” (Citation omitted). The Fourteenth Amendment commands The same answer in This case involving a state statute.” *Id.*

Therefore, The Policy Rationale Behind Apprendi is That The Court Violates The United States constitution if it Invades The Jury's Territory By Finding Facts at sentencing. Facts not established Beyond a Reasonable Doubt, either By Guilty Plea or Jury Verdict.

In United States v. Thomas, 355 F. 3d at 1198  
The circuit court held,

"Had This Case Gone To Trial The Government  
Would Have Been Required To Prove Beyond A  
Reasonable Doubt That Thomas Possessed At Least  
50 Grams of Cocaine Base in order For The  
Penalties . . . To apply." Id.

In This Case, The State Was Required To "Prove That  
The Weapon Is A 'Deadly Weapon' Pursuant To NRS 193.165(6)." Barry, 125 Nev at 277. However, The State Neglected To  
Establish This Point. Further, As Stated In Thomas,  
"Had This Case Gone To Trial The Government Would Have  
Been Required To Prove Beyond A Reasonable Doubt" That  
Powe Used Or Possessed A Deadly Weapon Pursuant To  
NRS 193.165(6), AND NRS 202.253(2). Even Further,  
"The DISTRICT COURT must advise The Defendant That  
The Government Would Have To Prove Days Quantity As  
It Would Prove Any Element -- To The Jury Beyond A  
Reasonable Doubt." Thomas, 355 F. 3d at 1197.

The Same Applies In This Case, Defendants Have  
A Due Process Right To Be Informed Of Allegations  
That Could Increase Their Sentence Beyond The  
Statutory Maximum And That Must Be Proven Beyond  
A Reasonable Doubt.

The Circuit Court In Thomas, Held,

"IN ASSESSING THE SCOPE OF THE FACTS ESTABLISHED  
BEYOND A REASONABLE DOUBT BY A CIVILTY PLEA, WE  
MUST LOOK AT WHAT THE DEFENDANT ACTUALLY AGREED  
TO -- THAT IS, WHAT WAS ACTUALLY ESTABLISHED  
BEYOND A REASONABLE DOUBT" Thomas, 355 F. 3d at  
1199. (Citation omitted).

In Powe's Plea Colloquy, The Prescribed Facts were never established Beyond a Reasonable Doubt By The Guilty Plea.

IT CANNOT Be argued That Powe's illegal sentence IS NOT ON THE FORCE OF THE RECORD BECAUSE NRS 193.165(3), CLEARLY STATES THAT NRS 193.165(3)

"... Provides an additional Penalty For The Primary OFFENSE, WHOSE IMPOSITION IS CONTINGENT UPON THE FINDING OF THE PRESCRIBED FACTS." *Id.*

THUS, WHEN Powe WAS GIVEN A GREATER SENTENCE THAN THE PRIMARY OFFENSE CALLED FOR, WITHOUT FINDING THE PRESCRIBED FACTS NECESSARY TO IMPOSE AN ADDITIONAL PENALTY, THE RESULTING SENTENCE IS ILLEGAL, ON ITS FACE, FOR NOT CONFORMING TO THE STATUTORILY AUTHORIZED TERM OF PUNISHMENT.

FOR THE ABOVE STATED REASONS IT IS CLEAR THAT POWE'S PRESENT SENTENCE IS ILLEGAL AND SHOULD NOW BE CORRECTED.

## ISSUE II

Powe Further Argues That The Evidence was INSUFFICIENT TO SUPPORT A FINDING OF A DEADLY WEAPON.

"THE DUE PROCESS CLAUSE OF THE UNITED STATES CONSTITUTION PROTECTS AN ACCUSED AGAINST CONVICTION EXCEPT ON PROOF BEYOND A REASONABLE DOUBT OF EVERY

Fact Necessary To constitute the crime with which he is charged." Carl v. State, 100 Nev. 164, 165, 678 P.2d 668, 669, (rev. 1984); U.S.C.A. VI, XIV.

This Court will Reverse a conviction when the State Fails To Present Evidence To Prove an element of the offense Beyond a Reasonable Doubt. In re Winship, 397 U.S. 358, 90 S.Ct. 1068 (1970); Martinez v. State, 114 Nev. 746, 961 P.2d 752 (rev. 1998). The standard of Review for a challenge To the sufficiency of the evidence is "whether, after Viewing the evidence in the light most favorable To the prosecution, any Rational Juror could have Found the essential elements of the crime Beyond a Reasonable Doubt." Mena v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (rev. 1992), (quoting, Jackson v. Virginia, 443 U.S. 307, 319, (1979)).

Powe's Right To Due Process of Law Pursuant To the United States Constitution, Amendment 14, and the Nevada Constitution, Article 1 § 8 were violated when Powe was sentenced To Five (5) years To Twelve and one-half (12½) on a Deadly weapon Enhancement, under NRS 193.165(4), without Proving the Prescribed Facts necessary under NRS 193.165.

Here, no Rational Juror could have found,  
Beyond a Reasonable Doubt, That Powe was Guilty  
of use of a Deadly weapon, under NRS 193.165(6),  
with The Evidence on Record in This case.

Specifically, Powe's Plea Colloquy states in Part,

"The Court: Okay. Can you tell me what you did  
in Clark County, Nevada, on or about the 16th  
Day of June 2015, that makes you guilty of first  
degree kidnapping with—

Defendant: Everything—

The court: —use of a deadly weapon?

Defendant: Everything that's on Page 2 of exhibit 1.

The court: Did you willfully, unlawfully, and  
feloniously, seize, confine, inveigle, entice, decoy,  
abduct, conceal, kidnap, or carry away Mrs. Martin,  
a human being, with the intent to hold or detain  
her against her will, and without her consent, for  
the purpose of killing and/or inflicting  
substantial bodily harm on her, with the use of  
a deadly weapon: a firearm?

Defendant: Yes. "State v. Powe, case No  
C-308371-1 (Recorder's Transcripts RE: Entry of Plea,  
Date Dec. 22, 2016).

The Court's Canvas shows That Powe never testified to  
using a weapon capable of expelling a metal projectile.  
Nor Does The Judge Proffer Any evidence of a weapon  
capable of expelling a metal projectile During The  
Plea Colloquy.

The only thing the court had to go on was the Prosecution's Representation of the Facts. However, the court cannot rely on the Prosecution for the Facts that must be either, Plead to Beyond a Reasonable Doubt By a Defendant, or Proven By the state Beyond a Reasonable Doubt. The only other evidence in this case is the Radiology Photo's (X-Rays), which cannot be used.

Therefore, Because Powe's Plea Did not Prove, Beyond a Reasonable Doubt, That he used a weapon That was within NRS 193.165(6), or 202.253(2)'s Definition of Firearm, or any other Definition of "Deadly weapon", The court has to conclude that the States evidence, on the face of the Record, was Insufficient to support Powe's Deadly weapon Enhancement.

Dated This 26 Day of March 2019.

Respectfully Submitted

ss// RPowe  
Ronny Powe #1173457  
P.O. Box 650  
Indian Springs, NV.  
89070, in Pro Se



**UNDER PENALTY OF PERJURY STATEMENT**

"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct in accordance with NRS 208.165 and 28 USCA § 1746. Executed on (date) 3/26/2019.

RP  
(signature)

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IN FORMA PAUPERIS:

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**