Ronny Pawe #1173457
WSCC PO Box 7007
Carson city, NV 89702.
(Petitioner Proper Person).

FILED
MAR 21 2022
CLERK OF COURT

Electronically Filed
Mar 24 2022 09:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court
Clark County Nevada

Ronny Pawe Petitioner, vs- The State of Nevada. Respondents.	Case No: A-21-845477-W C-15-308371-1 Dept No: XII (12). "Notice of Appeal"

Comes now Ronny Pawe the Petitioner in proper-person in the above pleading "Notice of Appeal", as the Petitioner wishes to appeal the decision rendered by the Clark County District Court on February 8th 2022 in which the Petitioners writ for Habeas Corpus was denied. This decision is an abuse of discretion and in violation of the protections of the Constitution, as such this Notice of Appeal is now given. This appeal is timely as the decision was not rendered untill February 28th 2022.

Respectfully submitted this 16th day of March 2022.

RPowe

Ronny Pawe #1173457
WSCC PO Box 7007
Carson city, NV 89702

RECEIVED
MAR 21 2022
CLERK OF THE COURT

Docket 84430 Document 2022-09221

Ronny Powe 1173457
WSCC PO Box 7007
Carson City, NV 89702

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Eighth Judicial Dist. Ct.
Att. Court Clerk
200 Lewis Ave
Las Vegas, NV 89155

Certificate of Service

I Ronny Powe hereby certify under the penalty of perjury that on this x 16th day of March 2022 I mailed a true and correct copy of the attached pleading Notice of Appeal, to the following parties postage pre paid by United States postal service.

Eighth Judicial Dist. Ct.
Attn: Court Clerk
200 Lewis Ave.
Las Vegas, NV 89155

Clark County District Attorney
200 Lewis Ave
Las Vegas NV
89155.

Executed on this x 16th day of March 2022.

x R Powe
Ronny Powe

Electronically Filed
3/23/2022 10:31 AM
Steven D. Grierson
CLERK OF THE COURT

ASTA

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

STATE OF NEVADA, Plaintiff(s), vs. RONNY POWE aka RONNY DARROW POWE, Defendant(s),	Case No: C-15-308371-1 Dept No: XII

CASE APPEAL STATEMENT

1. Appellant(s): Ronny Powe
2. Judge: Michelle Leavitt
3. Appellant(s): Ronny Powe

Counsel:

Ronny Powe #1173457
P.O. Box 7007
Carson City, NV 89702

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
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: Writ of Habeas Corpus

11. Previous Appeal: Yes

    Supreme Court Docket Number(s): 72840, 76654, 76655, 79043

12. Child Custody or Visitation: N/A

Dated This 23 day of March 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Ronny Powe

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-15-308371-1

State of Nevada	§	Location: **Department 12**
vs	§	Judicial Officer: **Leavitt, Michelle**
RONNY POWE	§	Filed on: **07/29/2015**
	§	Cross-Reference Case Number: **C308371**
	§	Defendant's Scope ID #: **1415128**
	§	ITAG Booking Number: **0**
	§	ITAG Case ID: **1699814**
	§	Lower Court Case # Root: **15F08992**
	§	Lower Court Case Number: **15F08992A**
	§	Metro Event Number: **1506172303**
	§	Supreme Court No.: **72840**
	§	**76654**
	§	**76655**
	§	**79043**

CASE INFORMATION

Case Type: **Felony/Gross Misdemeanor**

Case Status: **02/24/2017 Closed**

Offense	**Statute**	**Deg**	**Date**
Jurisdiction: **District Court**			
1. FIRST DEGREE KIDNAPPING WITH THE USE OF A DEADLY WEAPON PCN: 0029599020 ACN: 1506172303	200.310.1	F	06/16/2015
Filed As: FIRST DEGREE KIDNAPPING WITH USE OF SUBSTANTIAL BODILY HARM RESULTING IN SUBSTANTIAL BODILY HARM Arrest: 07/09/2015 MET - Metro	F	7/30/2015	
2. ATTEMPT MURDER WITH THE USE OF A DEADLY WEAPON	200.010	F	06/16/2015
3. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC...	200.481.2e	F	06/16/2015
4. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC ...	200.481.2e	F	06/16/2015
5. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC...	200.481.2e	F	06/16/2015
6. BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION	200.485.2	F	06/16/2015
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC...	200.481.2e	F	06/16/2015

Related Cases

A-21-845477-W (Writ Related Case)
C-15-308371-2 (Multi-Defendant Case)

Statistical Closures

02/24/2017 Guilty Plea with Sentence (before trial) (CR)

DATE	CASE ASSIGNMENT

Current Case Assignment

Case Number	C-15-308371-1
Court	Department 12
Date Assigned	07/29/2015
Judicial Officer	Leavitt, Michelle

PARTY INFORMATION

		Lead Attorneys
Defendant	**POWE, RONNY**	**Pro Se**
Plaintiff	**State of Nevada**	**Wolfson, Steven B** 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	EVENTS	
07/29/2015	Criminal Bindover Packet Justice Court *[1]*	*In #1*
07/30/2015	Information *[2]*	*In #2*
08/10/2015	Reporters Transcript *[3] Transcript of Hearing Held on July 29, 2015*	*In #3*
09/02/2015	Notice of Expert Witnesses *[4] Notice of Expert Witnesses [NRS 174.234(2)]*	*In #4*
09/02/2015	Notice of Witnesses *[5] Notice of Witnesses [NRS 174.234(1)(a)]*	*In #5*
09/22/2015	Supplemental Witness List *[6] Supplemental Notice of Expert Witnesses [NRS 174.234(2)]*	*In #6*
11/03/2015	Media Request and Order *[7] Media Request and Order Allowing Camera Access to Court Proceedings*	*In #7*
12/11/2015	Notice *[8] Defendant Ronny Powe's Notice and Request for Joinder*	*In #8*
12/14/2015	Motion for Discovery *[9] Defendant Ronny Powe's Motion for Discovery*	*In #9*
03/14/2016	Notice of Motion Filed By: Plaintiff State of Nevada *[10] Notice of Motion and Motion to Continue*	*In #1*
03/16/2016	Notice of Expert Witnesses *[11] Defendant Ronny Powe's Notice of Expert Witness*	*In #1*
11/17/2016	Motion to Dismiss Counsel *[12] Motion to Dismiss Counsel and Appoint Alternate Counsel*	*In #1*

12/20/2016	Supplemental Witness List *[13] Supplemental Notice of Witnesses [NRS 174.234(1)(a)]*	*In #1*
12/20/2016	Supplemental Witness List *[14] Second Supplemental Notice of Witnesses [NRS 174.234(1)(a)]*	*In #1*
12/20/2016	Notice of Intent *[15] Notice of Intent to Introduce Records Made in the Course of a Regularly Conducted Activity [NRS 52.260]*	*In #1*
12/22/2016	Amended Information *[16]*	*In #1*
12/22/2016	Guilty Plea Agreement *[17]*	*In #1*
01/19/2017	PSI *[18] Pre-Sentence Investigation Report (Unfiled) Confidential*	*In #1*
02/17/2017	Judgment of Conviction *[19] Judgment of Conviction (Plea of Guilty)*	*In #1*
02/24/2017	Criminal Order to Statistically Close Case *[20]*	*In #2*
04/13/2017	Notice of Appeal (Criminal) *[21] Notice of Appeal*	*In #2*
04/14/2017	Case Appeal Statement *[22]*	*In #2*
06/20/2017	NV Supreme Court Clerks Certificate/Judgment - Dismissed *[23] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*	*In #2*
12/06/2017	Notice of Motion Filed By: Defendant POWE, RONNY *[24]*	*In #2*
12/06/2017	Motion to Withdraw As Counsel Filed By: Defendant POWE, RONNY *[25] Motion to Withdraw Counsel*	*In #2*
02/21/2018	Notice of Motion Filed By: Defendant POWE, RONNY *[26] Notice of Motion; Motion for Modification of Sentence*	*In #2*
03/14/2018	Notice of Motion	*In #2*

	Filed By: Defendant POWE, RONNY *[27]*	
03/14/2018	Motion Filed By: Defendant POWE, RONNY *[28] Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant*	*In #2*
05/15/2018	Response *[29] State's Response to Defendant's Motion to Modify Sentence*	*In #2*
06/21/2018	Motion to Reconsider Filed By: Defendant POWE, RONNY *[30] Plaintiff's Motion for Reconsideration*	*In #3*
06/21/2018	Motion Filed By: Defendant POWE, RONNY *[31] Motion for Leave to File a Late Motion for Reconsideration*	*In #3*
06/21/2018	Notice of Motion Filed By: Defendant POWE, RONNY *[32] Notice of Motion and Motion for Transcripts at State Expense*	*In #3*
06/21/2018	Notice of Motion Filed By: Defendant POWE, RONNY *[33]*	*In #3*
06/21/2018	Memorandum of Points and Authorities Filed By: Defendant POWE, RONNY *[34] Memorandum of Points and Authorities in Support of Request for Transcripts at State Expense*	*In #3*
07/02/2018	Order Denying Motion *[35] Order Denying Defendant's Motion to Modify Sentence*	*In #3*
08/07/2018	Notice of Appeal (Criminal) Party: Defendant POWE, RONNY *[36] Notice of Appeal*	*In #3*
08/07/2018	Notice of Appeal (Criminal) Party: Defendant POWE, RONNY *[37] Notice of Appeal*	*In #3*
08/09/2018	Case Appeal Statement *[38]*	*In #3*
08/09/2018	Case Appeal Statement *[39]*	*In #3*
08/22/2018	Order Denying Motion Filed By: Plaintiff State of Nevada	*In #4*

	[40] Order Denying Defendant's Motion for Transcripts at State Expense, Motion for Reconsideration, and Motion for Leave to File a Late Motion for Reconsideration	
10/16/2018	NV Supreme Court Clerks Certificate/Judgment - Dismissed *[41] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*	*In #4*
10/16/2018	NV Supreme Court Clerks Certificate/Judgment - Dismissed *[42] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*	*In #4*
11/14/2018	Recorders Transcript of Hearing *[43] Transcript of Hearing Held on February 14, 2017*	*In #4*
12/03/2018	Recorders Transcript of Hearing *[44] Transcript of Hearing Held on December 22, 2016*	*In #4*
04/01/2019	Notice of Motion Filed By: Defendant POWE, RONNY *[45]*	*In #4*
04/01/2019	Motion to Modify Sentence Filed By: Defendant POWE, RONNY *[46] Motion for Correction of Illegal Sentence*	*In #4*
05/02/2019	Opposition to Motion Filed By: Plaintiff State of Nevada *[47] State's Opposition to Defendant's Motion to Correct Illegal Sentence*	*In #4*
06/06/2019	Notice of Change of Address *[48] Change of Address*	*In #4*
06/14/2019	Order Filed By: Plaintiff State of Nevada *[49] Order Denying Defendant's Pro Per Motion For Correction of Illegal Sentence*	*In #4*
06/17/2019	Notice of Appeal (Criminal) Party: Defendant POWE, RONNY *[50] Notice of Appeal*	*In #5*
06/17/2019	Notice of Appeal (Criminal) Party: Defendant POWE, RONNY *[51] Notice of Appeal*	*In #5*
06/18/2019	Case Appeal Statement Filed By: Defendant POWE, RONNY *[52]*	*In #5*
06/18/2019	Case Appeal Statement Filed By: Defendant POWE, RONNY *[53]*	*In #5*

06/17/2020 NV Supreme Court Clerks Certificate/Judgment - Affirmed
[54] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Petition Denied

03/06/2022 Findings of Fact, Conclusions of Law and Order
[55] Findings of Fact, Conclusions of Law and Order

03/07/2022 Notice of Entry
[56] Notice of Entry of Findings of Fact, Conclusions of Law and Order

03/21/2022 Notice of Appeal (Criminal)
[57] Notice of Appeal

03/23/2022 Case Appeal Statement
Case Appeal Statement

DISPOSITIONS

12/22/2016 **Disposition** (Judicial Officer: Leavitt, Michelle)
2. ATTEMPT MURDER WITH THE USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

3. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC...
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

4. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC ...
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

5. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC...
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

6. BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC...
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

12/22/2016 **Plea** (Judicial Officer: Leavitt, Michelle)
1. FIRST DEGREE KIDNAPPING WITH THE USE OF A DEADLY WEAPON
Guilty
PCN: 0029599020 Sequence:

02/14/2017 **Disposition** (Judicial Officer: Leavitt, Michelle)
1. FIRST DEGREE KIDNAPPING WITH THE USE OF A DEADLY WEAPON
Guilty
PCN: 0029599020 Sequence:

02/14/2017 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
1. FIRST DEGREE KIDNAPPING WITH THE USE OF A DEADLY WEAPON
06/16/2015 (F) 200.310.1 (DC50055)
PCN: 0029599020 Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Life with the possibility of parole after:5 Years
Consecutive Enhancement:Use of Deadly Weapon, Minimum:60 Months, Maximum:150 Months
Credit for Time Served: 609 Days

Fee Totals:

Administrative Assessment Fee $25	25.00
DNA Analysis Fee $150	150.00
Genetic Marker Analysis AA Fee $3	3.00
Fee Totals $	178.00

HEARINGS

07/31/2015 **Initial Arraignment** (10:00 AM) (Judicial Officer: Williams, Telia U.)
Plea Entered;
Journal Entry Details:
DEFT. POWE ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for status check regarding the setting of trial. CUSTODY 8/11/15 8:30 A.M. STATUS CHECK: TRIAL SETTING (DEPT. 12) ;

08/11/2015 **Status Check** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
STATUS CHECK: SETTING OF TRIAL (DEFT. INVOKED)

MINUTES
Plea Entered;
Journal Entry Details:
Discussions as to status of testing to be done by Metro lab, on the bullet fragments from the alleged incident. Mr. Drummond advised the lab results may be exculpatory evidence as to his client. COURT ORDERED, trial date SET. CUSTODY 10/06/15 8:30 A.M. CALENDAR CALL 10/13/15 1:30 P.M. TRIAL BY JURY ;

SCHEDULED HEARINGS

Calendar Call (10/06/2015 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
CANCELED **Jury Trial** (10/13/2015 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

10/06/2015 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Trial Date Set;
Journal Entry Details:
Attorney Nadine Morton, Esq., present on behalf of co-defendant. At the request of parties, COURT ORDERED trial date VACATED and RESET. Upon Court's inquiry, Deft. agreed to waive the 60 day rule. CUSTODY 12/17/15 8:30 AM CALENDAR CALL 1/5/16 1:30 PM JURY TRIAL ;

10/13/2015 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

12/17/2015 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES
Vacated and Reset;

SCHEDULED HEARINGS

Calendar Call (03/15/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
CANCELED **Jury Trial** (03/22/2016 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

12/17/2015 **Joinder** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant Ronny Powe's Notice and Request for Joinder
Matter Heard;

12/17/2015 **Motion for Discovery** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant Ronny Powe's Motion for Discovery
Granted;

12/17/2015 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:

APPEARANCES: Deputy District Attorney Tyler Smith, Esq., is present on behalf of State of Nevada. Attorney Nadine Morton, Esq., is present on behalf of Deft. Thaironya Breienne Powe, who is present in custody from Case C308371-2. Attorney Craig Drummond, Esq., is present on behalf of Deft. Ronny Powe who is also present in custody from Case C308371-1. Court advised it does not believe Deft. Ronny Powe can join in on the Motion to Sever, Mr. Drummond would have to make his own arguments, and it does not make sense to the Court the way the Motion was presented; however, Deft. can join on the other issue. Mr. Drummond advised the main issue he has, is within 30 days of this event happening, State requested the Court to determine competency on the named victim; State has not looked at the file on this, State has not produced the file, defense requested the file, and the Motion on the competency request has been set after the trial date. Additionally, defense for Deft. Ronny Powe will not be ready, and will be requesting the competency case information be provided to Court for in-camera review at a minimum, as defense may need a psychiatric expert retained, if records are released. Additionally, defense is not ready, until this Court can provide guidance. Discussions as to mental health case record information of alleged victim and civil procedures by District Attorney. Mr. Smith objected regarding relevancy. Mr. Smith argued he has not had time to answer Deft's other Motion due to when he received the pleadings; and State is ready for trial. Mr. Drummond argued he is alleging a discovery problem, and not impropriety. Additionally, defense had requested the information three months ago, State had indicated no case information is available, and defense has received documents regarding the victim and competency information. Further, State has a duty to inspect the files and evidence to determine if there is exculpatory evidence; defense believes every record available on this issue needs to be provided to Court at a minimum, and the alleged victim's mental health has to be determined, so defense may be able to properly impeach the victim witness. Mr. Drummond further argued State had this information in their possession, no one has looked at it, and defense does not see how further representations can be made. Mr. Smith argued as to legal 2000 procedure, and allegations. Discussions. Mr. Smith advised he will check again to see if there is a file on the legal 2000. Court stated Family Court may have the records. Court reviewed documents provided by Mr. Drummond in open Court. Mr. Drummond advised no additional court documents defense received were attached, due to the information being protected. Further discussions. Mr. Drummond advised the related documents are not from public proceedings, he has no access to the information either; however, defense can supplement if the Court needs more. Court stated the documents provided by defense counsel today does not show anything regarding competency status and it appears no further action may have been taken at Family Court. Mr. Smith argued these are mental health records, and defense counsel needs to show relevancy to their defense here, which State believes has not been done. Thereafter, Mr. Smith suggested a Court order be submitted. Defense agreed. COURT ORDERED, Mr. Drummond to submit an order granting his Motion for discovery, and to have the Family Court case information and records turned over to this Court for in-camera review. DEFT. THAIRONYA POWE'S MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE Court stated this is a motion for failure to gather. Ms. Morton argued as to photo of a firearm found at scene, and State's failure to preserve the firearm. Ms. Morton also argued there was a duty to have the firearm tested. Mr. Smith opposed the Motion; and argued the firearm is different than the description given by the alleged victim, there is nothing to test the firearm against, and there were no bullet fragments collected including no fragments taken from the victim's leg. Mr. Smith additionally argued State is saying there is no issue with this weapon, and State does not believe it was the firearm used. Further arguments by Ms. Morton regarding defense not conceding to what type of gun was allegedly used to shoot the victim. COURT ORDERED, Motion DENIED. DEFT. THAIRONYA POWE'S MOTION TO SEVER Ms. Morton argued in support of severing the case between Deft. and her father being Co-Deft. Ronny Powe. Counsel added State's opposition indicated Co-Deft. Ronny Powe did not make a statement about her client's whereabouts, which is inaccurate. Ms. Morton added in the voluntary statement, Co-Deft. had said her client did live at residence, which is significant; because if Thaironya Powe is saying she did not live there and was never there, this is mutually exclusive. Court stated defense has another witness who can testify to that, being the grandmother. Mr. Smith opposed the Motion; and argued there being no antagonistic defenses here, no Bruton issues, or no reason to sever this case. Ms. Morton argued Co-Deft. inculpates her client by saying she lived there. Court stated it does not mean her client carried out these set of events. Further arguments by Ms. Morton. Upon Court's inquiry, Mr. Drummond advised he will not add anything to this, further noting he may be making a Motion later, as he has not listened to all the recorded jail calls due to being in a three week trial in another case. Additionally, defense may have issues if State is going to introduce some of these calls; however, the issues will be addressed at a later time with exhibits. SO NOTED. COURT

ORDERED, Motion to sever DENIED at this time. CALENDAR CALL Mr. Drummond confirmed to Court defense is not ready for trial; and requested a status check hearing be set in thirty days for records to be provided by Family Court Clerk's office to Court, and to see if Court will be releasing these records. Further, if the Court does release the records, defense may need more time to retain an expert. Court noted, State can submit the order on this and have the records provided for in-camera review. COURT ORDERED, Motion to continue trial date GRANTED; trial date VACATED AND RESET. Mr. Smith requested defense counsel to provide a copy of any mental health records they had received, to the State. Mr. Drummond agreed to do so, and to also include Co-Deft's counsel on receiving copies. DEFT. RONNY POWE'S MOTION FOR DISCOVERY At request of Mr. Drummond, COURT ADDITIONALLY ORDERED, the pending Motion filed in Case C308371-1 being the discovery motion is VACATED, as the Court handled this Motion today. CUSTODY (BOTH) 3/15/16 8:30 A.M. CALENDAR CALL (BOTH) 3/22/16 1:30 P.M. TRIAL BY JURY (BOTH);

01/05/2016 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

03/15/2016 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES
Vacated and Reset;

SCHEDULED HEARINGS

Calendar Call (05/31/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
CANCELED **Jury Trial** (06/07/2016 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

03/15/2016 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Plaintiff's Notice of Motion and Motion to Continue
Granted;

03/15/2016 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:
CALENDAR CALL...PLAINTIFF'S NOTICE OF MOTION AND MOTION TO CONTINUE Court provided courtesy copies of records to all parties in open Court. Court's Exhibits ADMITTED and ORDERED SEALED. Mr. Smith noted defense also needed time to go through records. COURT ORDERED, State's motion to continue trial date GRANTED; trial date VACATED AND RESET. Discussions as to Court's general trial start time during the week. CUSTODY 5/31/16 8:30 A.M. CALENDAR CALL 6/07/16 1:30 P.M. TRIAL BY JURY;

03/22/2016 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

05/31/2016 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES
Vacated and Reset;
Journal Entry Details:
Attorney Nadine Morton, Esq. is present on behalf of Co-Deft. Thaironya Powe; and advised defense's gun expert is unable to travel in June, 2016, due to medical issues; and requested trial be reset in October, 2016. Mr. Drummond joined on the Motion, due to the expert being a joint expert for both Defts. Mr. Smith made no objection; and requested a firm setting. COURT ORDERED, Motion to continue trial date GRANTED; the June 9, 2016 hearing on the Motion is VACATED; trial date VACATED AND RESET. Court provided the weekly trial start times to parties. CUSTODY 10/04/16 8:30 A.M. CALENDAR CALL 10/11/16 1:30 P.M. TRIAL BY JURY ;

SCHEDULED HEARINGS

Calendar Call (10/04/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
CANCELED **Jury Trial** (10/11/2016 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

06/07/2016 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

10/04/2016

Calendar Call (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated and Reset;
Journal Entry Details:
Court TRAILED and RECALLED matter for Mr. Drummond to appear. Mr. Smith advised State will be objecting to defense asking for a trial continuance, further noting discovery and evidence were turned over to defense, and State is ready to go to trial. Additionally, an offer was made to Deft, and it was rejected. Mr. Drummond advised the offer was made, which was different than what parties had originally, Deft. declined, and now he is requesting a continuance. Discussions as to previous posture of the case, joint expert having communicated more with Co-Deft's attorney Nadine Morton, Esq. about both matters, Co-Deft. having accepted a plea deal, the Guilty Plea Agreement in Co-Deft's case, and current change of posture having occurred in this case. Mr. Drummond added he is going to speak with the expert, and defense will request a trial continuance due to change of posture in this matter, further adding defense needs more time to prepare for trial. Court asked how much time is needed. Mr. Drummond advised he can be ready in thirty days, but he has other trials set, including a federal matter. Counsel added the expert may be testifying on some of the issues in this case, however, Co-Deft. has now pled this morning, Ms. Morton and himself had split the duties while preparing on this case, and now he will be meeting and speaking with the expert more about this case. Mr. Smith argued the underlying facts of this case have not changed, the offer was lower for the Co-Deft, and State is ready. Further objections were made regarding delay. COURT ORDERED, it will grant a short continuance. Court NOTED for the record this is the fifth continuance, and this matter either needs to get resolved, or go forward with trial. FURTHER, trial date VACATED AND RESET. Mr. Drummond advised defense will be ready to go on this new trial setting. CUSTODY 12/20/16 8:30 A.M. CALENDAR CALL 1/03/17 1:30 P.M. TRIAL BY JURY ;

10/11/2016 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

12/08/2016 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel
Denied;
Journal Entry Details:
Court advised Deft. it reviewed the pleadings; and asked if he believes his attorney will not file a motion to set him free. Deft. read a letter to the Court; and Court advised Deft. he is not able to tell the Court what the motion is. Deft. stated the Court keeps interrupting him every time he can speak. Court told Deft. to go ahead, and stated he cannot answer the Court's question. Deft. stated he asked for a Brady motion. Mr. Drummond advised he litigated a Brady issue back in December, 2015, and records were ordered to Chambers for inspection. Court confirmed this was done. Mr. Drummond stated if Deft. wants to fire him, he does not care, and everything was provided to Deft. as to discovery. Deft. claimed after the fact. Upon Court's inquiry, Mr. Drummond confirmed he also did a file review with State, and he has no issues with discovery here. Deft. stated he did not get everything, and he needs all materials and evidence to help him do his homework to beat the case, further noting he filed his motion in November, and just received a piece of information last Saturday. Court reminded Deft. his attorney is giving him copies of the discovery. Deft. interrupted the Court; and stated he was not finished speaking. Court stated it is finished; and told Deft. he can stop talking. Mr. Drummond provided history of the case including Mr. Tomsheck and Department 3 proceedings. Deft. stated his attorney just explained to him about his case five minutes ago, and he has lack of trust for him. Court advised Deft. things can be explained to him if he just asks. Deft. argued his life is at stake, Mr. Drummond is ineffective, and he would not be here if there are concerns. Mr. Smith advised he has had two file reviews with defense, and State has made sure Mr. Drummond received everything State had, further noting additional copies were made, and defense has every single of piece of everything. Deft. stated he does not have it and he needs every document or evidence. Mr. Drummond clarified he has been providing everything to Deft, and Deft. did receive an entire copy of discovery of everything that there is. Additionally, the case file is not that big. Court advised Deft. it does not know what else he wants his attorney to do. Deft. stated there has been a complete collapse of the attorney client relationship. COURT ORDERED, Motion DENIED. State to prepare order. CUSTODY 12/20/16 8:30 A.M. CALENDAR CALL 1/03/17 1:30 P.M. TRIAL BY JURY ;

12/20/2016 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Trial Date Set;
Journal Entry Details:
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 ;

12/22/2016 **Entry of Plea** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Plea Entered;
Journal Entry Details:
Mr. Nelson not present. Mr. Holper appeared for Mr. Drummond on behalf of Deft; and requested Court to trail the case. Court TRAILED and RECALLED matter. Mr. Holper not present. Mr. Nelson advised Mr. Drummond is out of the jurisdiction, further noting this matter has resolved, and he went over the agreement with Deft, and is not attorney of record. SO NOTED. Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. RONNY POWE ARRAIGNED AND PLED GUILTY TO FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and ORDERED, matter referred to the Division of Parole and Probation (P&P); and SET for sentencing; trial date VACATED. CUSTODY 2/14/17 8:30 A.M. SENTENCING;

SCHEDULED HEARINGS

Sentencing (02/14/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

01/03/2017 *CANCELED* **Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

01/03/2017 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

02/14/2017 **Sentencing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Defendant Sentenced;
Journal Entry Details:
DEFT. RONNY POWE ADJUDGED GUILTY of FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Matter submitted. Statements by Deft. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, Deft. SENTENCED to LIFE WITH A POSSIBILITY OF PAROLE after a MINIMUM of FIVE (5) YEARS is served in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED FIFTY (150) MONTHS in the Nevada Department of Corrections (NDC), for use of deadly weapon, with SIX HUNDRED NINE (609) DAYS CREDIT FOR TIME SERVED. TOTAL AGGREGATE SENTENCE is a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MAXIMUM of LIFE in the Nevada Department of Corrections (NDC). BOND, if any, EXONERATED. NDC ;

01/02/2018 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Pro Per Motion to Withdraw Counsel
Granted;
Journal Entry Details:
Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion GRANTED; counsel WITHDRAWN. Court noted Deft. has until February 17, 2018, to file any post-conviction. Mr. Drummond advised he will send Deft. a letter regarding today's hearing and Court's ruling allowing him to withdraw as attorney of record from the case, further noting he will also include this post-conviction date in the letter. SO NOTED. NDC CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Ronny Powe, #1173457, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sb;

03/15/2018 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
03/15/2018, 05/17/2018
Defendant's Motion For Modification Of Sentence
Matter Continued;
Denied;
Journal Entry Details:
Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion DENIED. State to prepare the order. NDC CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Ronny Powe #1173457, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sb;
Matter Continued;
Denied;
Journal Entry Details:
Defendant not present. Court noted Ms. Luzaich indicated the State was not properly served and requested a continuance to respond, COURT SO ORDERED. NDC CONTINUED TO: 05/17/18 8:30;

04/05/2018 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Pro Per Motion for Production of Documents, Papers, and Tangible Property of Defendant
Granted;
Journal Entry Details:
Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion For Production Of Documents, Papers, Pleadings And Tangible Property Of Defendant GRANTED. State to prepare the order. Former counsel Craig Drummond, Esq., to forward a copy of the case file to Deft. NDC CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Ronny Powe, #1173457, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sb CLERK'S NOTE: A copy of the above minute order was forwarded to Attorney Craig Drummond, Esq. /// sb;

07/12/2018 **Motion For Reconsideration** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Plaintiff Ronny Powe's Pro Per Motion for Reconsideration
Denied;

07/12/2018 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Movant Ronny Powe's Pro Per Motion for Leave to File a Late Motion for Reconsideration
Denied;

07/12/2018 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Plaintiff Ronny Powe's Pro Per Motion for Transcripts at State Expense
Denied;

07/12/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:
MOVANT RONNY POWE'S PRO PER MOTION FOR LEAVE TO FILE A LATE MOTION FOR RECONSIDERATION...PLAINTIFF RONNY POWE'S PRO PER MOTION FOR TRANSCRIPTS AT STATE EXPENSE...PLAINTIFF RONNY POWE'S PRO PER MOTION FOR RECONSIDERATION Deft. not present, incarcerated in the Nevada Department of Corrections (NDC). COURT ORDERED, MOTION FOR LEAVE TO FILE A LATE MOTION FOR RECONSIDERATION, DENIED, MOTION FOR TRANSCRIPTS AT STATE EXPENSE DENIED, and MOTION FOR RECONSIDERATION DENIED. Court DIRECTED the State to prepare the order. CLERK'S NOTE: A copy of this minute order was mailed to: Ronny Powe HDSP PO Box 650 Indian Springs NV 89018//ke 07/12/18;

05/14/2019 **Motion to Modify Sentence** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Pro Per Motion for Correction of Illegal Sentence
Denied;
Journal Entry Details:
Defendant not present. COURT STATED the Motion lacks merit and ORDERED, Motion DENIED; State to prepare the Order. NDC;

DATE	FINANCIAL INFORMATION	
	Defendant POWE, RONNY	
	Total Charges	179.00
	Total Payments and Credits	1.00
	Balance Due as of 3/23/2022	**178.00**

Electronically Filed
03/06/2022 10:28 PM
CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #10539
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

RONNY POWE Petitioner, -vs- THE STATE OF NEVADA, Respondent.	CASE NO: A-21-845477-W C-15-308371-1 DEPT NO: XII

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

DATE OF HEARING: February 8, 2022
TIME OF HEARING: 12:00 PM

THIS CAUSE having come on for hearing before the Honorable Carolyn Ellsworth, District Judge, on the 8th day of February 2022, Petitioner not being present and Respondent being represented by STEVEN WOLFSON, Clark County District Attorney, by and through HAGAR TRIPPIEDI, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, the Court makes the following findings of fact and conclusions of law:

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PROCEDURAL HISTORY

This Petition comes before this Court following a plea that Ronny Powe (hereinafter "Petitioner") entered on December 22, 2016. Pursuant to the Guilty Plea Agreement, Petitioner agreed to plead guilty to one count of First-Degree Kidnapping with Use of a Deadly Weapon. The parties stipulated to a sentence of five (5) years to life in the Nevada Department of Corrections with a consecutive five (5) years to twelve and a half (12.5) years for the Deadly Weapon enhancement.

Petitioner was sentenced on February 14, 2017, consistent with the Guilty Plea Agreement between the parties. He received an aggregate sentence of one hundred twenty (120) months to a maximum of life imprisonment. A Judgment of Conviction was filed on February 17, 2017.

Petitioner filed an untimely notice of appeal, and his appeal was dismissed by the Nevada Supreme Court on May 19, 2017. Remittitur issued on June 14, 2017. Petitioner subsequently filed two separate Motions for Modification of Sentence in 2018 and in 2019. Both motions were denied.

Petitioner filed a Petition for Writ of Habeas Corpus on December 15, 2021. This Court filed an order to respond on December 27, 2021. On February 3, 2022, the State filed the State's Return to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction). On February 8, 2022, this Court denied Petitioner's Petition for Writ of Habeas Corpus.

ANALYSIS

I. PETITIONER'S PETITION IS PROCEDURALLY BARRED

A. Petitioner's Petition is time-barred

The mandatory provision of NRS 34.726(1) states:

> Unless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed ***within 1 year after entry of the judgment of conviction*** or, if an appeal has been taken from the judgment, ***within 1 year after the Supreme Court issues its remittitur***. For the purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

//

(emphasis added). "[T]he statutory rules regarding procedural default are mandatory and cannot be ignored when properly raised by the State." Riker, 121 Nev. at 233, 112 P.3d at 1075.

Accordingly, the one-year time bar prescribed by NRS 34.726 begins to run from the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed. Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133–34 (1998); see Pellegrini v. State, 117 Nev. 860, 873, 34 P.3d 519, 528 (2001) (holding that NRS 34.726 should be construed by its plain meaning).

In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902 (2002), the Nevada Supreme Court affirmed the rejection of a habeas petition that was filed two days late, pursuant to the "clear and unambiguous" mandatory provisions of NRS 34.726(1). Gonzales reiterated the importance of filing the petition with the district court within the one-year mandate, absent a showing of "good cause" for the delay in filing. Gonzales, 118 Nev. at 593, 590 P.3d at 902. The one-year time bar is therefore strictly construed. In contrast with the short amount of time to file a notice of appeal, a prisoner has an ample full year to file a post-conviction habeas petition, so there is no injustice in a strict application of NRS 34.726(1). Id. at 593, 53 P.3d at 903.

Here, the Judgment of Conviction was filed on February 17, 2017. Petitioner filed an untimely notice of appeal and thus, the Nevada Supreme Court dismissed Petitioner's appeal. Petitioner then had one year from the Judgment of Conviction to file his petition. Petitioner's instant petition was filed on December 15, 2021, which was over three years after the Judgment of Conviction was filed. As a matter of law, Petitioner is untimely on the filing of his petition. Therefore, this petition is denied.

B. The procedural bars are mandatory

The Nevada Supreme Court has specifically found that the district court has a duty to consider whether the procedural bars apply to a post-conviction petition and not arbitrarily disregard them. In Riker, the Court held that "[a]pplication of the statutory procedural default rules to post-conviction habeas petitions is mandatory," and "cannot be ignored when properly

raised by the State." 121 Nev. at 231–33, 112 P.3d at 1074–75. There, the Court reversed the district court's decision not to bar the petitioner's untimely and successive petition:

> Given the untimely and successive nature of [petitioner's] petition, the district court had a duty imposed by law to consider whether any or all of [petitioner's] claims were barred under NRS 34.726, NRS 34.810, NRS 34.800, or by the law of the case . . . [and] the court's failure to make this determination here constituted an arbitrary and unreasonable exercise of discretion.

Id. at 234, 112 P.3d at 1076. The Court justified this holding by noting that "[t]he necessity for a workable system dictates that there must exist a time when a criminal conviction is final." Id. at 231, 112 P.3d 1074 (citation omitted); see also State v. Haberstroh, 119 Nev. 173, 180–81, 69 P.3d 676, 681–82 (2003) (holding that parties cannot stipulate to waive, ignore or disregard the mandatory procedural default rules nor can they empower a court to disregard them).

In State v. Greene, the Nevada Supreme Court reaffirmed its prior holdings that the procedural default rules are mandatory when it reversed the district court's grant of a post-conviction petition for writ of habeas corpus. See State v. Greene, 129 Nev. 559, 565–66, 307 P.3d 322, 326 (2013). There, the Court ruled that the petitioner's petition was untimely and successive, and that the petitioner failed to show good cause and actual prejudice. Id. Accordingly, the Court reversed the district court and ordered the petitioner's petition dismissed pursuant to the procedural bars. Id. at 567, 307 P.3d at 327.

Petitioner does not set forth any good cause for his delayed filing in this matter. His Judgment of Conviction was filed on February 17, 2017; thus, he should have filed his petition by February 17, 2018. While he was able to file two Motions for Modification of Sentence, Petitioner never filed a timely petition. He has not set forth any good cause as to why his filing was untimely. Because the procedural bars are mandatory and Petitioner has failed to show good cause to overcome the procedural defaults, this petition is denied.

II. PETITIONER CANNOT DEMONSTRATE THAT COUNSEL WAS INEFFECTIVE

The Sixth Amendment to the United States Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense." The United States Supreme Court has long recognized that "the right to counsel is the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993).

To prevail on a claim of ineffective assistance of trial counsel, a Petitioner must prove he was denied "reasonably effective assistance" of counsel by satisfying the two-prong test of Strickland, 466 U.S. at 686–87, 104 S. Ct. at 2063–64. See also Love, 109 Nev. at 1138, 865 P.2d at 323. Under the Strickland test, a Petitioner must show first that his counsel's representation fell below an objective standard of reasonableness, and second, that but for counsel's errors, there is a reasonable probability that the result of the proceedings would have been different. 466 U.S. at 687–88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test). "[T]here is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the Petitioner makes an insufficient showing on one." Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

The court begins with the presumption of effectiveness and then must determine whether the Petitioner has demonstrated by a preponderance of the evidence that counsel was ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). "Effective counsel does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of competence demanded of attorneys in criminal cases.'" Jackson v. Warden, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975).

Based on the above law, the role of a court in considering allegations of ineffective assistance of counsel is "not to pass upon the merits of the action not taken but to determine whether, under the particular facts and circumstances of the case, trial counsel failed to render reasonably effective assistance." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711

(1978). This analysis does not mean that the court should "second guess reasoned choices between trial tactics nor does it mean that defense counsel, to protect himself against allegations of inadequacy, must make every conceivable motion no matter how remote the possibilities are of success." Id. To be effective, the Constitution "does not require that counsel do what is impossible or unethical. If there is no bona fide defense to the charge, counsel cannot create one and may disserve the interests of his client by attempting a useless charade." United States v. Cronic, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

"There are countless ways to provide effective assistance in any given case. Even the best criminal defense attorneys would not defend a particular client in the same way." Strickland, 466 U.S. at 689, 104 S. Ct. at 689. "Strategic choices made by counsel after thoroughly investigating the plausible options are almost unchallengeable." Dawson v. State, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784 P.2d 951, 953 (1989). In essence, the court must "judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

Even if a Petitioner can demonstrate that his counsel's representation fell below an objective standard of reasonableness, he must still demonstrate prejudice and show a reasonable probability that, but for counsel's errors, the result of the trial would have been different. McNelton v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). "A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-89, 694, 104 S. Ct. at 2064–65, 2068). This portion of the test is slightly modified when the convictions occurs due to a guilty plea. Hill v. Lockhart, 474 U.S. 52, 59 (1985); Kirksey v. State, 112 Nev. 980, 988 (1996). For a guilty plea, a Petitioner "must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." Kirksey, 112 Nev. at 998 (quoting Hill, 474 U.S. at 59). The Nevada Supreme Court has held "that a habeas corpus petitioner must prove the disputed factual allegations underlying his ineffective-assistance claim by a preponderance of the

evidence." Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore, claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must be supported with specific factual allegations, which if true, would entitle the petitioner to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and "naked" allegations are not sufficient, nor are those belied and repelled by the record. Id. NRS 34.735(6) states in relevant part, "[Petitioner] *must* allege specific facts supporting the claims in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed." (emphasis added).

A. Ground One – DNA evidence

Petitioner cannot show that but for a better investigation, he would not have accepted the plea and would have insisted on going to trial. Petitioner sets forth no explanation of what investigation should have been completed by his counsel. His first complaint is that the DNA evidence exonerates him. However, this is not a case where DNA evidence was relevant to the charges. The allegation was that the victim had been battered by her boyfriend, Petitioner. Much of the evidence rested on her injuries and her statement to police.

Even assuming that counsel had not gone over the DNA evidence with petitioner, the DNA itself would have done nothing to negate her statement that he was responsible, along with his daughter, for causing her injuries. Thus, there is no prejudice to Petitioner and this evidence would not have changed his desire to plea.

B. Ground Two – Desire for appeal and his attorney committing misconduct

Petitioner states that he wished to challenge his conviction, but this is belied by the record and is a bare claim. The record does not indicate that he was dissatisfied with his plea or with his sentence. Petitioner did not lodge an objection prior to or at his sentencing on February 14, 2017. There is no evidence that he wanted counsel to appeal his sentence. Thus, there is no grounds to grant him relief.

Petitioner also speculates about his attorney committing misconduct, but he presents no coherent argument to this claim. He states that his attorney lied and abandoned him without

supporting it with any argument or evidence. This is a bare claim and does not entitle him to relief.

C. Ground Three – Prosecutorial misconduct

Petitioner argues that the State should not have proceeded with the case because of DNA results and mental health issues of the victim. Even from Petitioner's pleadings, the DNA results were provided to his counsel, thus the State cannot be held in violation of Brady.

As for proceeding with charges, the victim's testimony that the events happened, along with her injuries and other evidence, were sufficient for the State to proceed. Petitioner cannot show any misconduct by the prosecution.

D. Ground Four – Appeal and Post-conviction dismissals

Petitioner says that his rights were violated by the Nevada Courts because his appeals were previously dismissed. In those cases, the appellate courts clearly stated why his appeal was being dismissed. Moreover, he never filed a petition until now. Given that the record is clear as to why his previous appeals were dismissed, this is not a basis to grant his petition.

ORDER

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus is DENIED.

Dated this 6th day of March, 2022

DISTRICT JUDGE

04B 9F5 E957 99D7
Michelle Leavitt
District Court Judge

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

BY *<u>/s/ Alexander Chen</u>*
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539

CERTIFICATE OF SERVICE

I hereby certify that service of Findings of Fact and Conclusions of Law and Order, was made this 28th day of February, 2022, by Mail via United States Postal Service to:

RONNY POWE #1173457
WARM SRPINGS CORRECTIONAL CENTER
P.O. BOX 7007
CARSON CITY, NV 89702

/s/ Kristian Falcon

Secretary for the District Attorney's Office

ac/kf/dvu

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Ronny Powe, Plaintiff(s) vs. K. Olsen, Warden (W.S.C.C.), Defendant(s)	CASE NO: A-21-845477-W DEPT. NO. Department 12

AUTOMATED CERTIFICATE OF SERVICE

Electronic service was attempted through the Eighth Judicial District Court's electronic filing system, but there were no registered users on the case. The filer has been notified to serve all parties by traditional means.

Electronically Filed
3/7/2022 9:16 AM
Steven D. Grierson
CLERK OF THE COURT

NEO

DISTRICT COURT
CLARK COUNTY, NEVADA

RONNY POWE, Petitioner, vs. THE STATE OF NEVADA, Respondent,	Case No: C-15-308371-1 Dept No: XII **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

PLEASE TAKE NOTICE that on March 6, 2022, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on March 7, 2022.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 7 day of March 2022, I served a copy of this Notice of Entry on the following:

☑ By e-mail:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☑ The United States mail addressed as follows:
Ronny Powe # 1173457
P.O. Box 7007
Carson City, NV 89702

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk

Electronically Filed
03/06/2022 10:28 PM
CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #10539
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

RONNY POWE Petitioner, -vs- THE STATE OF NEVADA, Respondent.	CASE NO: A-21-845477-W C-15-308371-1 DEPT NO: XII

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

DATE OF HEARING: February 8, 2022
TIME OF HEARING: 12:00 PM

THIS CAUSE having come on for hearing before the Honorable Carolyn Ellsworth, District Judge, on the 8th day of February 2022, Petitioner not being present and Respondent being represented by STEVEN WOLFSON, Clark County District Attorney, by and through HAGAR TRIPPIEDI, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, the Court makes the following findings of fact and conclusions of law:

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PROCEDURAL HISTORY

This Petition comes before this Court following a plea that Ronny Powe (hereinafter "Petitioner") entered on December 22, 2016. Pursuant to the Guilty Plea Agreement, Petitioner agreed to plead guilty to one count of First-Degree Kidnapping with Use of a Deadly Weapon. The parties stipulated to a sentence of five (5) years to life in the Nevada Department of Corrections with a consecutive five (5) years to twelve and a half (12.5) years for the Deadly Weapon enhancement.

Petitioner was sentenced on February 14, 2017, consistent with the Guilty Plea Agreement between the parties. He received an aggregate sentence of one hundred twenty (120) months to a maximum of life imprisonment. A Judgment of Conviction was filed on February 17, 2017.

Petitioner filed an untimely notice of appeal, and his appeal was dismissed by the Nevada Supreme Court on May 19, 2017. Remittitur issued on June 14, 2017. Petitioner subsequently filed two separate Motions for Modification of Sentence in 2018 and in 2019. Both motions were denied.

Petitioner filed a Petition for Writ of Habeas Corpus on December 15, 2021. This Court filed an order to respond on December 27, 2021. On February 3, 2022, the State filed the State's Return to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction). On February 8, 2022, this Court denied Petitioner's Petition for Writ of Habeas Corpus.

ANALYSIS

I. PETITIONER'S PETITION IS PROCEDURALLY BARRED

A. Petitioner's Petition is time-barred

The mandatory provision of NRS 34.726(1) states:

> Unless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed ***within 1 year after entry of the judgment of conviction*** or, if an appeal has been taken from the judgment, ***within 1 year after the Supreme Court issues its remittitur***. For the purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

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(emphasis added). "[T]he statutory rules regarding procedural default are mandatory and cannot be ignored when properly raised by the State." Riker, 121 Nev. at 233, 112 P.3d at 1075.

Accordingly, the one-year time bar prescribed by NRS 34.726 begins to run from the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed. Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133–34 (1998); see Pellegrini v. State, 117 Nev. 860, 873, 34 P.3d 519, 528 (2001) (holding that NRS 34.726 should be construed by its plain meaning).

In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902 (2002), the Nevada Supreme Court affirmed the rejection of a habeas petition that was filed two days late, pursuant to the "clear and unambiguous" mandatory provisions of NRS 34.726(1). Gonzales reiterated the importance of filing the petition with the district court within the one-year mandate, absent a showing of "good cause" for the delay in filing. Gonzales, 118 Nev. at 593, 590 P.3d at 902. The one-year time bar is therefore strictly construed. In contrast with the short amount of time to file a notice of appeal, a prisoner has an ample full year to file a post-conviction habeas petition, so there is no injustice in a strict application of NRS 34.726(1). Id. at 593, 53 P.3d at 903.

Here, the Judgment of Conviction was filed on February 17, 2017. Petitioner filed an untimely notice of appeal and thus, the Nevada Supreme Court dismissed Petitioner's appeal. Petitioner then had one year from the Judgment of Conviction to file his petition. Petitioner's instant petition was filed on December 15, 2021, which was over three years after the Judgment of Conviction was filed. As a matter of law, Petitioner is untimely on the filing of his petition. Therefore, this petition is denied.

B. The procedural bars are mandatory

The Nevada Supreme Court has specifically found that the district court has a duty to consider whether the procedural bars apply to a post-conviction petition and not arbitrarily disregard them. In Riker, the Court held that "[a]pplication of the statutory procedural default rules to post-conviction habeas petitions is mandatory," and "cannot be ignored when properly

raised by the State." 121 Nev. at 231–33, 112 P.3d at 1074–75. There, the Court reversed the district court's decision not to bar the petitioner's untimely and successive petition:

> Given the untimely and successive nature of [petitioner's] petition, the district court had a duty imposed by law to consider whether any or all of [petitioner's] claims were barred under NRS 34.726, NRS 34.810, NRS 34.800, or by the law of the case . . . [and] the court's failure to make this determination here constituted an arbitrary and unreasonable exercise of discretion.

Id. at 234, 112 P.3d at 1076. The Court justified this holding by noting that "[t]he necessity for a workable system dictates that there must exist a time when a criminal conviction is final." Id. at 231, 112 P.3d 1074 (citation omitted); see also State v. Haberstroh, 119 Nev. 173, 180–81, 69 P.3d 676, 681–82 (2003) (holding that parties cannot stipulate to waive, ignore or disregard the mandatory procedural default rules nor can they empower a court to disregard them).

In State v. Greene, the Nevada Supreme Court reaffirmed its prior holdings that the procedural default rules are mandatory when it reversed the district court's grant of a post-conviction petition for writ of habeas corpus. See State v. Greene, 129 Nev. 559, 565–66, 307 P.3d 322, 326 (2013). There, the Court ruled that the petitioner's petition was untimely and successive, and that the petitioner failed to show good cause and actual prejudice. Id. Accordingly, the Court reversed the district court and ordered the petitioner's petition dismissed pursuant to the procedural bars. Id. at 567, 307 P.3d at 327.

Petitioner does not set forth any good cause for his delayed filing in this matter. His Judgment of Conviction was filed on February 17, 2017; thus, he should have filed his petition by February 17, 2018. While he was able to file two Motions for Modification of Sentence, Petitioner never filed a timely petition. He has not set forth any good cause as to why his filing was untimely. Because the procedural bars are mandatory and Petitioner has failed to show good cause to overcome the procedural defaults, this petition is denied.

II. PETITIONER CANNOT DEMONSTRATE THAT COUNSEL WAS INEFFECTIVE

The Sixth Amendment to the United States Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense." The United States Supreme Court has long recognized that "the right to counsel is the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993).

To prevail on a claim of ineffective assistance of trial counsel, a Petitioner must prove he was denied "reasonably effective assistance" of counsel by satisfying the two-prong test of Strickland, 466 U.S. at 686–87, 104 S. Ct. at 2063–64. See also Love, 109 Nev. at 1138, 865 P.2d at 323. Under the Strickland test, a Petitioner must show first that his counsel's representation fell below an objective standard of reasonableness, and second, that but for counsel's errors, there is a reasonable probability that the result of the proceedings would have been different. 466 U.S. at 687–88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test). "[T]here is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the Petitioner makes an insufficient showing on one." Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

The court begins with the presumption of effectiveness and then must determine whether the Petitioner has demonstrated by a preponderance of the evidence that counsel was ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). "Effective counsel does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of competence demanded of attorneys in criminal cases.'" Jackson v. Warden, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975).

Based on the above law, the role of a court in considering allegations of ineffective assistance of counsel is "not to pass upon the merits of the action not taken but to determine whether, under the particular facts and circumstances of the case, trial counsel failed to render reasonably effective assistance." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711

(1978). This analysis does not mean that the court should "second guess reasoned choices between trial tactics nor does it mean that defense counsel, to protect himself against allegations of inadequacy, must make every conceivable motion no matter how remote the possibilities are of success." Id. To be effective, the Constitution "does not require that counsel do what is impossible or unethical. If there is no bona fide defense to the charge, counsel cannot create one and may disserve the interests of his client by attempting a useless charade." United States v. Cronic, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

"There are countless ways to provide effective assistance in any given case. Even the best criminal defense attorneys would not defend a particular client in the same way." Strickland, 466 U.S. at 689, 104 S. Ct. at 689. "Strategic choices made by counsel after thoroughly investigating the plausible options are almost unchallengeable." Dawson v. State, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784 P.2d 951, 953 (1989). In essence, the court must "judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

Even if a Petitioner can demonstrate that his counsel's representation fell below an objective standard of reasonableness, he must still demonstrate prejudice and show a reasonable probability that, but for counsel's errors, the result of the trial would have been different. McNelton v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). "A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-89, 694, 104 S. Ct. at 2064–65, 2068). This portion of the test is slightly modified when the convictions occurs due to a guilty plea. Hill v. Lockhart, 474 U.S. 52, 59 (1985); Kirksey v. State, 112 Nev. 980, 988 (1996). For a guilty plea, a Petitioner "must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." Kirksey, 112 Nev. at 998 (quoting Hill, 474 U.S. at 59). The Nevada Supreme Court has held "that a habeas corpus petitioner must prove the disputed factual allegations underlying his ineffective-assistance claim by a preponderance of the

evidence." Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore, claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must be supported with specific factual allegations, which if true, would entitle the petitioner to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and "naked" allegations are not sufficient, nor are those belied and repelled by the record. Id. NRS 34.735(6) states in relevant part, "[Petitioner] *must* allege specific facts supporting the claims in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed." (emphasis added).

A. Ground One – DNA evidence

Petitioner cannot show that but for a better investigation, he would not have accepted the plea and would have insisted on going to trial. Petitioner sets forth no explanation of what investigation should have been completed by his counsel. His first complaint is that the DNA evidence exonerates him. However, this is not a case where DNA evidence was relevant to the charges. The allegation was that the victim had been battered by her boyfriend, Petitioner. Much of the evidence rested on her injuries and her statement to police.

Even assuming that counsel had not gone over the DNA evidence with petitioner, the DNA itself would have done nothing to negate her statement that he was responsible, along with his daughter, for causing her injuries. Thus, there is no prejudice to Petitioner and this evidence would not have changed his desire to plea.

B. Ground Two – Desire for appeal and his attorney committing misconduct

Petitioner states that he wished to challenge his conviction, but this is belied by the record and is a bare claim. The record does not indicate that he was dissatisfied with his plea or with his sentence. Petitioner did not lodge an objection prior to or at his sentencing on February 14, 2017. There is no evidence that he wanted counsel to appeal his sentence. Thus, there is no grounds to grant him relief.

Petitioner also speculates about his attorney committing misconduct, but he presents no coherent argument to this claim. He states that his attorney lied and abandoned him without

supporting it with any argument or evidence. This is a bare claim and does not entitle him to relief.

C. Ground Three – Prosecutorial misconduct

Petitioner argues that the State should not have proceeded with the case because of DNA results and mental health issues of the victim. Even from Petitioner's pleadings, the DNA results were provided to his counsel, thus the State cannot be held in violation of Brady.

As for proceeding with charges, the victim's testimony that the events happened, along with her injuries and other evidence, were sufficient for the State to proceed. Petitioner cannot show any misconduct by the prosecution.

D. Ground Four – Appeal and Post-conviction dismissals

Petitioner says that his rights were violated by the Nevada Courts because his appeals were previously dismissed. In those cases, the appellate courts clearly stated why his appeal was being dismissed. Moreover, he never filed a petition until now. Given that the record is clear as to why his previous appeals were dismissed, this is not a basis to grant his petition.

ORDER

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus is DENIED.

Dated this 6th day of March, 2022

DISTRICT JUDGE

04B 9F5 E957 99D7
Michelle Leavitt
District Court Judge

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

BY *<u>/s/ Alexander Chen</u>*
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539

CERTIFICATE OF SERVICE

I hereby certify that service of Findings of Fact and Conclusions of Law and Order, was made this 28th day of February, 2022, by Mail via United States Postal Service to:

RONNY POWE #1173457
WARM SRPINGS CORRECTIONAL CENTER
P.O. BOX 7007
CARSON CITY, NV 89702

/s/ Kristian Falcon

Secretary for the District Attorney's Office

ac/kf/dvu

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Ronny Powe, Plaintiff(s) vs. K. Olsen, Warden (W.S.C.C.), Defendant(s)	CASE NO: A-21-845477-W DEPT. NO. Department 12

AUTOMATED CERTIFICATE OF SERVICE

Electronic service was attempted through the Eighth Judicial District Court's electronic filing system, but there were no registered users on the case. The filer has been notified to serve all parties by traditional means.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 31, 2015**

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

July 31, 2015 **10:00 AM** **Initial Arraignment**

HEARD BY: Williams, Telia U. **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES PRESENT:

Percival, Brent D.	Attorney
POWE, RONNY	Defendant

JOURNAL ENTRIES

- DEFT. POWE ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for status check regarding the setting of trial.

CUSTODY

8/11/15 8:30 A.M. STATUS CHECK: TRIAL SETTING (DEPT. 12)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 11, 2015**

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

August 11, 2015 **8:30 AM** **Status Check**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Drummond, Craig W.	Attorney
POWE, RONNY	Defendant
Smith, Tyler	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Discussions as to status of testing to be done by Metro lab, on the bullet fragments from the alleged incident. Mr. Drummond advised the lab results may be exculpatory evidence as to his client. COURT ORDERED, trial date SET.

CUSTODY

10/06/15 8:30 A.M. CALENDAR CALL

10/13/15 1:30 P.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 06, 2015**

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

October 06, 2015 **8:30 AM** **Calendar Call**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart
Natalie Ortega

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Drummond, Craig W.	Attorney
Laurent, Christopher J	Attorney
POWE, RONNY	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Attorney Nadine Morton, Esq., present on behalf of co-defendant.

At the request of parties, COURT ORDERED trial date VACATED and RESET. Upon Court's inquiry, Deft. agreed to waive the 60 day rule.

CUSTODY

12/17/15 8:30 AM CALENDAR CALL

1/5/16 1:30 PM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 17, 2015**

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

December 17, 2015 **8:30 AM** **All Pending Motions**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Drummond, Craig W.	Attorney
POWE, RONNY	Defendant
Smith, Tyler	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES: Deputy District Attorney Tyler Smith, Esq., is present on behalf of State of Nevada. Attorney Nadine Morton, Esq., is present on behalf of Deft. Thaironya Breienne Powe, who is present in custody from Case C308371-2. Attorney Craig Drummond, Esq., is present on behalf of Deft. Ronny Powe who is also present in custody from Case C308371-1.

Court advised it does not believe Deft. Ronny Powe can join in on the Motion to Sever, Mr. Drummond would have to make his own arguments, and it does not make sense to the Court the way the Motion was presented; however, Deft. can join on the other issue. Mr. Drummond advised the main issue he has, is within 30 days of this event happening, State requested the Court to determine competency on the named victim; State has not looked at the file on this, State has not produced the file, defense requested the file, and the Motion on the competency request has been set after the trial date. Additionally, defense for Deft. Ronny Powe will not be ready, and will be requesting the competency case information be provided to Court for in-camera review at a minimum, as defense may need a psychiatric expert retained, if records are released. Additionally, defense is not ready, until this Court can provide guidance. Discussions as to mental health case

record information of alleged victim and civil procedures by District Attorney. Mr. Smith objected regarding relevancy. Mr. Smith argued he has not had time to answer Deft's other Motion due to when he received the pleadings; and State is ready for trial. Mr. Drummond argued he is alleging a discovery problem, and not impropriety. Additionally, defense had requested the information three months ago, State had indicated no case information is available, and defense has received documents regarding the victim and competency information. Further, State has a duty to inspect the files and evidence to determine if there is exculpatory evidence; defense believes every record available on this issue needs to be provided to Court at a minimum, and the alleged victim's mental health has to be determined, so defense may be able to properly impeach the victim witness. Mr. Drummond further argued State had this information in their possession, no one has looked at it, and defense does not see how further representations can be made. Mr. Smith argued as to legal 2000 procedure, and allegations. Discussions.

Mr. Smith advised he will check again to see if there is a file on the legal 2000. Court stated Family Court may have the records. Court reviewed documents provided by Mr. Drummond in open Court. Mr. Drummond advised no additional court documents defense received were attached, due to the information being protected. Further discussions. Mr. Drummond advised the related documents are not from public proceedings, he has no access to the information either; however, defense can supplement if the Court needs more. Court stated the documents provided by defense counsel today does not show anything regarding competency status and it appears no further action may have been taken at Family Court. Mr. Smith argued these are mental health records, and defense counsel needs to show relevancy to their defense here, which State believes has not been done. Thereafter, Mr. Smith suggested a Court order be submitted. Defense agreed. COURT ORDERED, Mr. Drummond to submit an order granting his Motion for discovery, and to have the Family Court case information and records turned over to this Court for in-camera review.

DEFT. THAIRONYA POWE'S MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE

Court stated this is a motion for failure to gather. Ms. Morton argued as to photo of a firearm found at scene, and State's failure to preserve the firearm. Ms. Morton also argued there was a duty to have the firearm tested. Mr. Smith opposed the Motion; and argued the firearm is different than the description given by the alleged victim, there is nothing to test the firearm against, and there were no bullet fragments collected including no fragments taken from the victim's leg. Mr. Smith additionally argued State is saying there is no issue with this weapon, and State does not believe it was the firearm used. Further arguments by Ms. Morton regarding defense not conceding to what type of gun was allegedly used to shoot the victim. COURT ORDERED, Motion DENIED.

DEFT. THAIRONYA POWE'S MOTION TO SEVER

Ms. Morton argued in support of severing the case between Deft. and her father being Co-Deft. Ronny Powe. Counsel added State's opposition indicated Co-Deft. Ronny Powe did not make a statement about her client's whereabouts, which is inaccurate. Ms. Morton added in the voluntary statement, Co-Deft. had said her client did live at residence, which is significant; because if Thaironya

Powe is saying she did not live there and was never there, this is mutually exclusive. Court stated defense has another witness who can testify to that, being the grandmother. Mr. Smith opposed the Motion; and argued there being no antagonistic defenses here, no Bruton issues, or no reason to sever this case. Ms. Morton argued Co-Deft. inculpates her client by saying she lived there. Court stated it does not mean her client carried out these set of events. Further arguments by Ms. Morton. Upon Court's inquiry, Mr. Drummond advised he will not add anything to this, further noting he may be making a Motion later, as he has not listened to all the recorded jail calls due to being in a three week trial in another case. Additionally, defense may have issues if State is going to introduce some of these calls; however, the issues will be addressed at a later time with exhibits. SO NOTED. COURT ORDERED, Motion to sever DENIED at this time.

CALENDAR CALL

Mr. Drummond confirmed to Court defense is not ready for trial; and requested a status check hearing be set in thirty days for records to be provided by Family Court Clerk's office to Court, and to see if Court will be releasing these records. Further, if the Court does release the records, defense may need more time to retain an expert. Court noted, State can submit the order on this and have the records provided for in-camera review. COURT ORDERED, Motion to continue trial date GRANTED; trial date VACATED AND RESET.

Mr. Smith requested defense counsel to provide a copy of any mental health records they had received, to the State. Mr. Drummond agreed to do so, and to also include Co-Deft's counsel on receiving copies.

DEFT. RONNY POWE'S MOTION FOR DISCOVERY

At request of Mr. Drummond, COURT ADDITIONALLY ORDERED, the pending Motion filed in Case C308371-1 being the discovery motion is VACATED, as the Court handled this Motion today.

CUSTODY (BOTH)

3/15/16 8:30 A.M. CALENDAR CALL (BOTH)

3/22/16 1:30 P.M. TRIAL BY JURY (BOTH)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 15, 2016**

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

March 15, 2016 **8:30 AM** **All Pending Motions**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Drummond, Craig W.	Attorney
POWE, RONNY	Defendant
Smith, Tyler	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL...PLAINTIFF'S NOTICE OF MOTION AND MOTION TO CONTINUE

Court provided courtesy copies of records to all parties in open Court. Court's Exhibits ADMITTED and ORDERED SEALED. Mr. Smith noted defense also needed time to go through records. COURT ORDERED, State's motion to continue trial date GRANTED; trial date VACATED AND RESET. Discussions as to Court's general trial start time during the week.

CUSTODY

5/31/16 8:30 A.M. CALENDAR CALL

6/07/16 1:30 P.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 31, 2016**

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

May 31, 2016 **8:30 AM** **Calendar Call**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Debbie Winn

REPORTER:

PARTIES PRESENT:

Drummond, Craig	Attorney
POWE, RONNY	Defendant
Smith, Tyler	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Attorney Nadine Morton, Esq. is present on behalf of Co-Deft. Thaironya Powe; and advised defense's gun expert is unable to travel in June, 2016, due to medical issues; and requested trial be reset in October, 2016. Mr. Drummond joined on the Motion, due to the expert being a joint expert for both Defts. Mr. Smith made no objection; and requested a firm setting. COURT ORDERED, Motion to continue trial date GRANTED; the June 9, 2016 hearing on the Motion is VACATED; trial date VACATED AND RESET. Court provided the weekly trial start times to parties.

CUSTODY

10/04/16 8:30 A.M. CALENDAR CALL

10/11/16 1:30 P.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 04, 2016**

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

October 04, 2016 **8:30 AM** **Calendar Call**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Drummond, Craig	Attorney
POWE, RONNY	Defendant
Smith, Tyler	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court TRAILED and RECALLED matter for Mr. Drummond to appear. Mr. Smith advised State will be objecting to defense asking for a trial continuance, further noting discovery and evidence were turned over to defense, and State is ready to go to trial. Additionally, an offer was made to Deft, and it was rejected. Mr. Drummond advised the offer was made, which was different than what parties had originally, Deft. declined, and now he is requesting a continuance. Discussions as to previous posture of the case, joint expert having communicated more with Co-Deft's attorney Nadine Morton, Esq. about both matters, Co-Deft. having accepted a plea deal, the Guilty Plea Agreement in Co-Deft's case, and current change of posture having occurred in this case. Mr. Drummond added he is going to speak with the expert, and defense will request a trial continuance due to change of posture in this matter, further adding defense needs more time to prepare for trial. Court asked how much time is needed. Mr. Drummond advised he can be ready in thirty days, but he has other trials set, including a federal matter. Counsel added the expert may be testifying on some of the issues in this case, however, Co-Deft. has now pled this morning, Ms. Morton and himself had split the duties while preparing on this case, and now he will be meeting and speaking with the expert more about this case. Mr. Smith argued the underlying facts of this case have not changed, the offer was lower for the

Co-Deft, and State is ready. Further objections were made regarding delay. COURT ORDERED, it will grant a short continuance. Court NOTED for the record this is the fifth continuance, and this matter either needs to get resolved, or go forward with trial. FURTHER, trial date VACATED AND RESET. Mr. Drummond advised defense will be ready to go on this new trial setting.

CUSTODY

12/20/16 8:30 A.M. CALENDAR CALL

1/03/17 1:30 P.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 08, 2016**

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

December 08, 2016 **8:30 AM** **Motion**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Drummond, Craig	Attorney
POWE, RONNY	Defendant
Smith, Tyler	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised Deft. it reviewed the pleadings; and asked if he believes his attorney will not file a motion to set him free. Deft. read a letter to the Court; and Court advised Deft. he is not able to tell the Court what the motion is. Deft. stated the Court keeps interrupting him every time he can speak. Court told Deft. to go ahead, and stated he cannot answer the Court's question. Deft. stated he asked for a Brady motion. Mr. Drummond advised he litigated a Brady issue back in December, 2015, and records were ordered to Chambers for inspection. Court confirmed this was done. Mr. Drummond stated if Deft. wants to fire him, he does not care, and everything was provided to Deft. as to discovery. Deft. claimed after the fact. Upon Court's inquiry, Mr. Drummond confirmed he also did a file review with State, and he has no issues with discovery here. Deft. stated he did not get everything, and he needs all materials and evidence to help him do his homework to beat the case, further noting he filed his motion in November, and just received a piece of information last Saturday. Court reminded Deft. his attorney is giving him copies of the discovery. Deft. interrupted the Court; and stated he was not finished speaking. Court stated it is finished; and told Deft. he can stop talking. Mr. Drummond provided history of the case including Mr. Tomsheck and Department 3 proceedings. Deft. stated his attorney just explained to him about his case five minutes ago, and he

has lack of trust for him. Court advised Deft. things can be explained to him if he just asks. Deft. argued his life is at stake, Mr. Drummond is ineffective, and he would not be here if there are concerns. Mr. Smith advised he has had two file reviews with defense, and State has made sure Mr. Drummond received everything State had, further noting additional copies were made, and defense has every single of piece of everything. Deft. stated he does not have it and he needs every document or evidence. Mr. Drummond clarified he has been providing everything to Deft, and Deft. did receive an entire copy of discovery of everything that there is. Additionally, the case file is not that big. Court advised Deft. it does not know what else he wants his attorney to do. Deft. stated there has been a complete collapse of the attorney client relationship. COURT ORDERED, Motion DENIED. State to prepare order.

CUSTODY

12/20/16 8:30 A.M. CALENDAR CALL

1/03/17 1:30 P.M. TRIAL BY JURY

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 PRESENT:

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 22, 2016**

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

December 22, 2016 **8:30 AM** **Entry of Plea**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Holper, Scott	Attorney
Luong, Vivian	Attorney
Nelson III, Roy L.	Attorney
POWE, RONNY	Defendant
Rogan, Jeffrey	Attorney
Smith, Tyler	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Nelson not present. Mr. Holper appeared for Mr. Drummond on behalf of Deft; and requested Court to trail the case. Court TRAILED and RECALLED matter. Mr. Holper not present. Mr. Nelson advised Mr. Drummond is out of the jurisdiction, further noting this matter has resolved, and he went over the agreement with Deft, and is not attorney of record. SO NOTED. Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. RONNY POWE ARRAIGNED AND PLED GUILTY TO FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and ORDERED, matter referred to the Division of Parole and Probation (P&P); and SET for sentencing; trial date VACATED.

CUSTODY

2/14/17 8:30 A.M. SENTENCING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 14, 2017**

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

February 14, 2017 **8:30 AM** **Sentencing**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Clowers, Shanon	Attorney
Drummond, Craig	Attorney
POWE, RONNY	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. RONNY POWE ADJUDGED GUILTY of FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Matter submitted. Statements by Deft. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, Deft. SENTENCED to LIFE WITH A POSSIBILITY OF PAROLE after a MINIMUM of FIVE (5) YEARS is served in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED FIFTY (150) MONTHS in the Nevada Department of Corrections (NDC), for use of deadly weapon, with SIX HUNDRED NINE (609) DAYS CREDIT FOR TIME SERVED. TOTAL AGGREGATE SENTENCE is a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MAXIMUM of LIFE in the Nevada Department of Corrections (NDC). BOND, if any, EXONERATED.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 02, 2018**

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

January 02, 2018 **8:30 AM** **Motion**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT:

Clowers, Shanon	Attorney
Drummond, Craig	
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion GRANTED; counsel WITHDRAWN. Court noted Deft. has until February 17, 2018, to file any post-conviction. Mr. Drummond advised he will send Deft. a letter regarding today's hearing and Court's ruling allowing him to withdraw as attorney of record from the case, further noting he will also include this post-conviction date in the letter. SO NOTED.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Ronny Powe, #1173457, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sb

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 15, 2018**

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

March 15, 2018 **8:30 AM** **Motion**

HEARD BY: Hardcastle, Kathy **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Clowers, Shanon	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted Ms. Luzaich indicated the State was not properly served and requested a continuance to respond, COURT SO ORDERED.

NDC

CONTINUED TO: 05/17/18 8:30

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 05, 2018**

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

April 05, 2018 **8:30 AM** **Motion**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Clowers, Shanon	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion For Production Of Documents, Papers, Pleadings And Tangible Property Of Defendant GRANTED. State to prepare the order. Former counsel Craig Drummond, Esq., to forward a copy of the case file to Deft.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Ronny Powe, #1173457, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sb

CLERK'S NOTE: A copy of the above minute order was forwarded to Attorney Craig Drummond, Esq. /// sb

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 17, 2018**

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

May 17, 2018 **8:30 AM** **Motion**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

State of Nevada	Plaintiff
Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion DENIED. State to prepare the order.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Ronny Powe #1173457, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sb

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 12, 2018**

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

July 12, 2018 **8:30 AM** **All Pending Motions**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart
Kimberly Estala

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Dickerson, Michael	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- MOVANT RONNY POWE'S PRO PER MOTION FOR LEAVE TO FILE A LATE MOTION FOR RECONSIDERATION...PLAINTIFF RONNY POWE'S PRO PER MOTION FOR TRANSCRIPTS AT STATE EXPENSE...PLAINTIFF RONNY POWE'S PRO PER MOTION FOR RECONSIDERATION

Deft. not present, incarcerated in the Nevada Department of Corrections (NDC).

COURT ORDERED, MOTION FOR LEAVE TO FILE A LATE MOTION FOR RECONSIDERATION, DENIED, MOTION FOR TRANSCRIPTS AT STATE EXPENSE DENIED, and MOTION FOR RECONSIDERATION DENIED. Court DIRECTED the State to prepare the order.

CLERK'S NOTE: A copy of this minute order was mailed to: Ronny Powe HDSP PO Box 650 Indian Springs NV 89018//ke 07/12/18

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**May 14, 2019**

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

May 14, 2019 **8:30 AM** **Motion to Modify Sentence**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Moors, Lindsey	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. COURT STATED the Motion lacks merit and ORDERED, Motion DENIED; State to prepare the Order.

NDC

VAULT EXHIBIT FORM

Calendar call

CASE NO: C-15-308371-1+2	HEARING DATE: 3-15-16
DEPT. NO. XII	JUDGE: Michelle Leavitt
	CLERK: Susan Jovanovich
	REPORTER: Kristine Cornelius
PLAINTIFF: State of Nevada	JURY FEES:
	COUNSEL FOR PLAINTIFF: Tyler Smith
DEFENDANT: Ronny Powe + Thaironya Powe	
	COUNSEL FOR DEFENDANT: Craig Drummond + Nadine Morton

Court's Exhibit

	Date Offered	Objection	Date Admitted
1. Envelope and mental Health Records (Sealed by Court)	3-15-16	no	3-15-16

Certification of Copy

State of Nevada
County of Clark } **SS:**

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

"NOTICE OF APPEAL"; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA, Plaintiff(s), vs. RONNY POWE aka RONNY DARROW POWE, Defendant(s).	Case No: C-15-308371-1 Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 23 day of March 2022.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk