

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

RONNY DARROW POWE,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

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

RECORD ON APPEAL VOLUME 2

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

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

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AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion For Correction Of Illegal Sentence
(Title of Document)

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

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

-OR-

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

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

(State specific law)

-or-

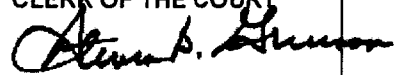
B. For the administration of a public program or for an application
for a federal or state grant.

PD Powe
Signature

3/26/2019
Date

Ronny Powe
Print Name

Pro Per
Title



1 RTRAN

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,)

7 Plaintiff,)

8 vs.)

9 RONNY POWE,)

10 aka, RONNY DARROW POWE,)

11 Defendant.)

CASE NO. C308371-1

DEPT. XII

12 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

13 THURSDAY, DECEMBER 22, 2016

14 **RECORDER'S TRANSCRIPT RE:**
15 **ENTRY OF PLEA**

16 APPEARANCES:

17 For the Plaintiff:

JEFFREY S. ROGAN, ESQ.
Chief Deputy District Attorney

VIVIAN LUONG, ESQ.
Deputy District Attorney

20 For the Defendant:

SCOTT M. HOLPER, ESQ.
ROY L. NELSON, III, ESQ.

22
23
24
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, DECEMBER 22, 2016

2 * * * * *

3 [Case called at 10:21 a.m.]

4 THE COURT: State versus Ronny Powe, C308371, present in
5 custody.

6 Good morning, sir.

7 THE DEFENDANT: Good morning.

8 MR. HOLPER: Your Honor, my apologies. I received a message.
9 Mr. Drummond is out of town. Court's indulgence.

10 THE COURT: It's my understanding Mr. Powe was going to enter a
11 plea today.

12 THE DEFENDANT: Yes, but I wanted to speak to him. He said he
13 was going to talk to me for a brief minute or two so –

14 THE COURT: Okay. Mr. Drummond?

15 THE DEFENDANT: No. This – he can talk to me. He can answer my
16 questions.

17 THE COURT: Okay.

18 MR. HOLPER: Okay.

19 THE COURT: Go ahead.

20 MR. HOLPER: Thank you, my apologies.

21 [Case trailed and recalled at 11:15 a.m.]

22 THE COURT: State versus Ronny Powe, Case C308371.

23 MR. NELSON: Judge, he's present in custody. With your permission,
24 it's resolved this morning. I'm standing in for Mr. Drummond. He's going to
25 plead guilty to one count of First Degree Kidnapping with Use of a Deadly

1 Weapon. Both parties agree on the First Degree Kidnapping portion to a 5 to life
2 sentence. For the deadly weapon enhancement, it's a 5 to 12-and-a-half year
3 sentence to run consecutive, so, essentially, it equates to a 10 to life sentence.
4 I've interlineated on pages 5 and 6 to change the date from October to December
5 and I've gone over the Guilty Plea Agreement with him; although I'm not his
6 attorney of record.

7 THE COURT: Is this what you want to do today, sir?

8 THE DEFENDANT: Yes.

9 THE COURT: Your true and full name for the record?

10 THE DEFENDANT: Ronny D. Powe.

11 THE COURT: How old are you?

12 THE DEFENDANT: Fifty-seven.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: College.

15 THE COURT: Do you read, write and understand the English
16 language?

17 THE DEFENDANT: Yes.

18 THE COURT: You received a copy of the Amended Information in
19 this case charging you with First Degree Kidnapping with Use of a Deadly
20 Weapon?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand this charge?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: How do you plead to the charge in the Amended
25 Information?

1 THE DEFENDANT: [Unintelligible] guilty.

2 THE COURT: I'm sorry?

3 THE DEFENDANT: Guilty.

4 THE COURT: Are you entering into this plea today freely and
5 voluntarily?

6 THE DEFENDANT: Yes.

7 THE COURT: Anyone threaten or coerce you into entering into this
8 plea?

9 THE DEFENDANT: No.

10 THE COURT: Other than what's contained in this Guilty Plea
11 Agreement, anyone make you any promises to get you to enter into this
12 agreement?

13 THE DEFENDANT: No.

14 THE COURT: I have before me a Guilty Plea Agreement. Is this your
15 signature on page 5?

16 THE DEFENDANT: Yes.

17 THE COURT: Did you read it before you signed it?

18 THE DEFENDANT: Yes.

19 THE COURT: Did you understand it prior to signing it?

20 THE DEFENDANT: Yes.

21 THE COURT: Were all of your questions answered to your
22 satisfaction prior to signing it?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you have any questions of the Court regarding this
25 Guilty Plea Agreement?

1 THE DEFENDANT: No.

2 THE COURT: You understand that you have stipulated to do 5 years
3 to life in the Nevada Department of Corrections on the Count of First Degree
4 Kidnapping and that you stipulated to a sentence of 5 to 12-and-a-half years in
5 the Nevada Department Corrections for the deadly weapon enhancement?

6 THE DEFENDANT: Yes.

7 THE COURT: So you understand you've stipulated to do 10 to life?

8 THE DEFENDANT: Yes.

9 THE COURT: And you understand that, correct?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you have any questions about that?

12 THE DEFENDANT: No.

13 THE COURT: You understand the range of punishment for this
14 offense is 5 – you understand that the range of punishment is 15 years with
15 parole eligibility beginning after 5 years, plus the 5 to 15 for the deadly weapon
16 enhancement – I'm sorry – plus a consecutive 1 to 20 years for the deadly
17 weapon enhancement. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: You also understand that the State could – I'm sorry –
20 that the Court could sentence you to life in prison with the possibility of parole
21 with eligibility beginning after a minimum of 5 years has been served?

22 THE DEFENDANT: Yes.

23 THE COURT: And you understand sentencing is completely within
24 the discretion of the Court; that no one can make you any promises regarding
25 what will happen at the time of sentencing?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: But you understand you have stipulated to do 10 to
3 life?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you have any questions about that?

6 THE DEFENDANT: No.

7 THE COURT: You also understand you are giving up all of your trial
8 rights by entering into this plea today; that you do have a right to a speedy and
9 public trial; that if this matter went to trial the State would be required to prove
10 each of the elements as alleged in their charging document by proof beyond a
11 reasonable doubt. Did your attorney explain to you what the State would have to
12 prove?

13 THE DEFENDANT: I'm not sure.

14 Did you go over that part?

15 THE COURT: Did you –

16 MR. NELSON: Well –

17 THE COURT: You spoke to – you were getting ready to go to trial.

18 THE DEFENDANT: Yes.

19 THE COURT: And you and Mr. Drummond had an opportunity to
20 discuss what the State would have to prove if this matter went to trial, correct?

21 THE DEFENDANT: Yes.

22 THE COURT: You had a chance to discuss any defenses that you
23 would have to these charges?

24 THE DEFENDANT: Yes.

25

1 THE COURT: You understand at the time of trial you'd have the right
2 to testify, to remain silent, to have others come in and testify for you, to be
3 confronted by the witnesses against you and cross-examine them and to appeal
4 any conviction?

5 THE DEFENDANT: Yes.

6 THE COURT: You understand all of these rights?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: You understand that by entering into this plea today
9 that you will be giving up all of these rights?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you have any questions about the rights you're
12 giving up?

13 THE DEFENDANT: No.

14 THE COURT: Do you have any questions about this Guilty Plea
15 Agreement?

16 THE DEFENDANT: The only thing I have a question about is when it
17 – hold on, just a second – it says everything is stipulated and then I go to page 2
18 when it says the 5 to life, plus a minimum of 1 year.

19 MR. NELSON: And a maximum of 20 years. I've explained to him
20 that –

21 THE COURT: Yeah.

22 MR. NELSON: – he could receive 40 percent of the maximum of 20,
23 which would be 8, which is higher than what he's stipulating to. I don't know –
24
25

1 THE COURT: That's correct. You could receive a higher – you could
2 receive a higher sentence than what you've stipulated to because it's completely
3 within the discretion of the Court as to how to sentence you.

4 THE DEFENDANT: Okay.

5 MR. NELSON: And what he's asking is the 1 isn't set in stone. In
6 other words, you could do more than 1. You could do 8. You could do 7. You
7 could do 6, etcetera.

8 THE COURT: Sure.

9 MR. NELSON: Okay.

10 THE COURT: The maximum would be 8 to 20.

11 THE DEFENDANT: Okay. I understand.

12 THE COURT: Do you understand that?

13 THE DEFENDANT: Yes.

14 MR. NELSON: So he was questioning – I said, you stipulated to 10 to
15 life. He was looking at the language from the second page that says 5 to life with
16 the potential of 1 to 20 running consecutive to it, but I explained there's a range
17 of punishment for the deadly weapon enhancement that he could – he would
18 potentially get less, but he could get a whole lot more as well. And that's –

19 THE COURT: Sure.

20 THE DEFENDANT: So there's no 6 to life and then a possibility of
21 parole?

22 THE COURT: Sorry?

23 THE DEFENDANT: Six to life, possibility of parole?

24 MR. NELSON: See, that's the way he's reading page 2. It's a 5 to life
25 for the First Degree Kidnapping –

1 THE DEFENDANT: Five to life, plus the 1.

2 THE COURT: Okay.

3 MR. NELSON: – and 1 to 20.

4 THE COURT: You've stipulated to do 10 to life.

5 THE DEFENDANT: Yes. And then I'm looking at the other page
6 where –

7 THE COURT: I don't think that you should even contemplate that
8 someone is going to give you less than what you stipulated to do.

9 THE DEFENDANT: Yes. That's what threw me off. I'm not trying to
10 argue the point, but I just wanted it explained to me more clearly so I can
11 understand it.

12 THE COURT: Okay. I can tell you that as the consequences of your
13 plea the Court must sentence you to the Nevada Department of Prison for life
14 with the possibility of parole with parole eligibility beginning after a minimum of 5
15 years has been served or a definite term of 15 years with eligibility of parole
16 beginning after 5 years has been served, plus a consecutive minimum term of
17 not less than 1 year and a term of not more than 20 years for the use of the
18 deadly weapon enhancement.

19 THE DEFENDANT: Okay.

20 THE COURT: So whatever the original, so if it's 5 to 15, plus a
21 consecutive 1 to 20, the Court could sentence you to 12 to 30. The maximum
22 the Court could sentence you on the deadly weapon enhancement would be 8 to
23 20.

24 THE DEFENDANT: Okay.

25 THE COURT: Do you understand that?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Okay. Can you tell me what you did in Clark County,
3 Nevada, on or about the 16th day of June 2015, that makes you guilty of First
4 Degree Kidnapping with –

5 THE DEFENDANT: Everything –

6 THE COURT: – Use of a Deadly Weapon?

7 THE DEFENDANT: Everything that's on page 2 on Exhibit 1.

8 THE COURT: Did you willfully, unlawfully, and feloniously, seize,
9 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away Ms.
10 Martin, a human being, with the intent to hold or detain her against her will, and
11 without her consent, for the purpose of killing and/or inflicting substantial bodily
12 harm on her, with the use of a deadly weapon: a firearm?

13 THE DEFENDANT: Yes.

14 THE COURT: Is the State satisfied?

15 MR. ROGAN: If the Defendant could just allocute as to who he did
16 the crime with.

17 THE COURT: Okay. And who did you do the crime with?

18 THE DEFENDANT: According to this, it says my daughter, Thaironya
19 Breinne –

20 THE COURT: And your daughter has already pled guilty –

21 THE DEFENDANT: Yes.

22 THE COURT: – correct?

23 THE DEFENDANT: Yes.

24 THE COURT: So Thyrona [phonetic] Poe [phonetic]?

25 THE DEFENDANT: No. It's Thaironya.

1 THE COURT: Thaironya Poe [phonetic].

2 THE DEFENDANT: Powe.

3 THE COURT: Powe?

4 THE DEFENDANT: Yes.

5 THE COURT: That's who you did it with?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. Is the State satisfied with that?

8 MR. ROGAN: Yes.

9 THE COURT: At this time the Court is going to accept your plea,
10 make a finding you've entered into it freely and voluntarily; that you understand
11 the nature of the charges and the consequences of your plea. The matter will be
12 referred to Parole and Probation and it will be set for sentencing.

13 THE CLERK: Yes, Your Honor.

14 February 14, 8:30.

15 MR. NELSON: Thank you, Your Honor.

16 THE COURT: Thank you.

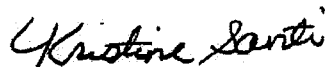
17 MR. ROGAN: Thank you, Your Honor.

18 THE COURT: Thank you.

19 [Proceedings concluded at 11:24 a.m.]

20 * * * * *

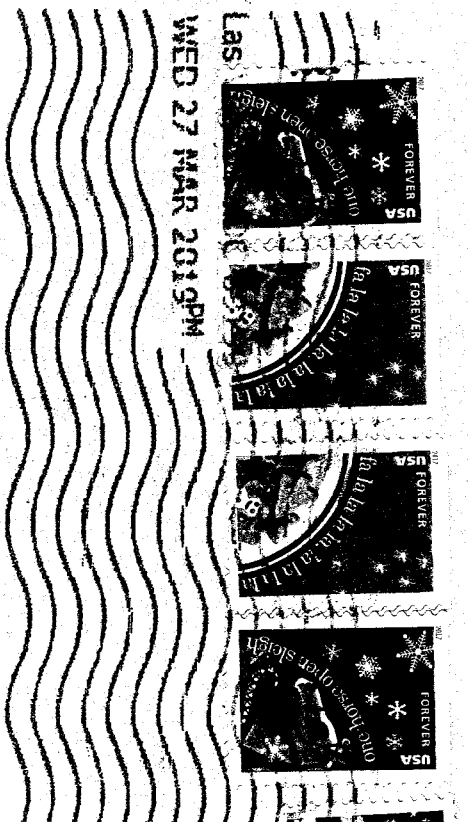
21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 proceedings in the above-entitled case to the best of my ability.

23 

24 KRISTINE SANTI
25 Court Recorder

Ronny Poee #1173457
HDS P P.O. Box 650
Indian Springs, NV. 89070

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





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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONNY POWE, aka, Ronny Darrow Powe
#1415128

Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO
CORRECT ILLEGAL SENTENCE

DATE OF HEARING: MAY 14, 2018
TIME OF HEARING: 8:30 AM

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

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

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

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

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

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

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

26 On February 14, 2017, Defendant was sentenced on the charge of First Degree
27 Kidnapping with Use of a Deadly Weapon as follows: Life, with the eligibility of parole after
28 serving a minimum of five (5) years, plus a consecutive term of one hundred fifty (150) months

1 with a minimum parole eligibility of sixty (60) months for the Use of a Deadly Weapon. The
2 aggregate total sentence imposed was Life, with a minimum of one hundred twenty (120)
3 months before eligibility for parole. Defendant received six hundred and nine (609) days credit
4 for time served. A Judgment of Conviction was filed on February 17, 2017.

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

7 On March 14, 2018, Defendant filed a Motion for Production of Documents, Papers,
8 Pleadings and Tangible Property of Defendant. This Court granted Defendant's Motion for
9 Production of Documents, Papers, Pleadings and Tangible Property of Defendant on April 5,
10 2018.

11 On February 21, 2018, Defendant filed a Motion for Modification of Sentence. The
12 State filed a Response thereto on May 15, 2018. On May 17, 2018, the court denied
13 Defendant's Motion for Modification of Sentence.

14 On June 21, 2018, Defendant filed a Motion for Reconsideration of the denial of his
15 Motion for Modification of Sentence, along with a Motion for Leave to File a Late Motion for
16 Reconsideration. The court denied both motions on July 12, 2018. On August 7, 2018,
17 Defendant filed a Notice of Appeal. On October 16, 2018, the Nevada Supreme Court issued
18 an Order dismissing Defendant's appeal.

19 On April 1, 2019, Defendant filed the instant Motion to Correct Illegal Sentence. The
20 State's Opposition follows.

21 ARGUMENT

22 **I. DEFENDANT'S SENTENCE IS NOT FACIALLY ILLEGAL**

23 NRS 176.555 states that "[t]he court may correct an illegal sentence at any time." See
24 also Passanisi v. State, 108 Nev. 318, 321, 831 P.2d 1371, 1372 (1992). However, the grounds
25 to correct an illegal sentence are interpreted narrowly under a limited scope. See Edwards v.
26 State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996); see also Haney v. State, 124 Nev. 408,
27 411, 185 P.3d 350, 352 (2008). "A motion to correct an illegal sentence is an appropriate
28 vehicle for raising the claim that a sentence is facially illegal at any time; such a motion cannot

1 be used as a vehicle for challenging the validity of a judgment of conviction or sentence based
2 on alleged errors occurring at trial or sentencing.” Edwards, 112 Nev. at 708, 918 P.2d at 324.
3 Motions to correct illegal sentences evaluate whether the sentence imposed on the defendant
4 is “at variance with the controlling statute, or illegal in the sense that the court goes beyond
5 its authority by acting without jurisdiction or imposing a sentence in excess of the statutory
6 maximum provided.” Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).
7 Other claims attacking the conviction or sentence must be raised by a timely filed direct appeal
8 or a timely filed Petition for a Post-Conviction Writ of Habeas Corpus per NRS 34.720-34.830,
9 or other appropriate motion. See id. “Bare” and “naked” allegations are not sufficient to
10 warrant post-conviction relief, nor are those belied and repelled by the record. Hargrove v.
11 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “A claim is ‘belied’ when it is contradicted
12 or proven to be false by the record as it existed at the time the claim was made.” Mann v. State,
13 118 Nev. 351, 354, 46 P.3d 1228, 1230 (2002).

14 **A. DEFENDANT’S SENTENCE IS FACIALLY LEGAL**

15 Defendant was convicted of First Degree Kidnapping with Use of a Deadly Weapon
16 (Category A Felony – NRS 200.310, 200.320, 193.165 – NOC 50055). Pursuant to
17 negotiations, the parties stipulated to a sentence for First Degree Kidnapping to Life in the
18 Nevada Department of Corrections with the possibility of parole, with eligibility for parole
19 beginning when a minimum of 5 years have been served. Guilty Plea Agreement at 1. The
20 relevant potential penalties for First Degree Kidnapping as pertaining to the instant case
21 pursuant to NRS 200.320 are as follows:

22 NRS 200.320 Kidnapping in first degree: Penalties. A person
23 convicted of kidnapping in the first degree is guilty of a category A
24 felony and shall be punished:

25 2. Where the kidnapped person suffers no substantial bodily
26 harm as a result of the kidnapping, by imprisonment in the state
prison:

27 (a) For life with the possibility of parole, with eligibility for
parole beginning when a minimum of 5 years has been served; or

28 (b) For a definite term of 15 years, with eligibility for parole
beginning when a minimum of 5 years has been served.

1 Defendant's sentence of Life with the possibility of parole, with eligibility for parole
2 beginning when a minimum of 5 years have been served is within the statutory sentencing
3 range as set forth in NRS 200.320(2)(a); thus, this sentence is facially legal and needs no
4 "correction" pursuant to NRS 176.555. As to the Deadly Weapon sentencing enhancement
5 pursuant to NRS 193.165, the parties stipulated to a consecutive sentence of five (5) to twelve
6 and one-half (12 ½) years in the Nevada Department of Corrections. Guilty Plea Agreement
7 at 1. The relevant potential penalty for a Deadly Weapon sentencing enhancement is as
8 follows:

9 NRS 193.165 Additional penalty: Use of deadly weapon or tear gas
10 in commission of crime; restriction on probation.

11 1. Except as otherwise provided in NRS 193.169, any person who
12 uses a firearm or other deadly weapon or a weapon containing or
13 capable of emitting tear gas, whether or not its possession is permitted
14 by NRS 202.375, in the commission of a crime shall, in addition to
15 the term of imprisonment prescribed by statute for the crime, be
16 punished by imprisonment in the state prison for *a minimum term of*
17 *not less than 1 year and a maximum term of not more than 20 years.*

18 2. The sentence prescribed by this section:

19 (a) Must not exceed the sentence imposed for the crime; and

20 (b) Runs consecutively with the sentence prescribed by statute for
21 the crime.

22 Defendant's sentence of a minimum of five (5) and a maximum of twelve and one-half
23 (12.5) years falls well within the statutory range for the Deadly Weapon Enhancement
24 pursuant to NRS 193.165(1) and (2), as it is between a minimum of 1 year and a maximum of
25 20 years, does not exceed the sentence imposed for First Degree Kidnapping, and runs
26 consecutively to the First Degree Kidnapping charge as set forth in the Judgment of
27 Conviction. Therefore, Defendant's sentence on both the First Degree Kidnapping charge as
28 well as the Deadly Weapon enhancement are facially legal as they are not at variance with the
controlling statutes and do not exceed the statutory maximums. To the extent that Defendant's
claims in the instant motion could be construed as an argument that his sentence is facially
illegal, such a claim is without factual or legal merit and should be denied.

///

1 **B. DEFENDANT'S SENTENCE ENHANCEMENT FOR THE USE OF A**
2 **DEADLY WEAPON IS LEGAL**

3 In the instant Motion, Defendant alleges his sentence is illegal because the State never
4 proved that the firearm Defendant used was a "deadly weapon" as defined by NRS 193.165
5 and NRS 202.253. Motion at 4-5. Defendant misunderstands the application of NRS 193.165
6 to his sentence. Defendant also argues the State must establish that the firearm was a "firearm"
7 as defined by NRS 202.253(2), which states "'Firearm' means any device designed to be used
8 as a weapon from which a projectile may be expelled through the barrel by the force of any
9 explosion or other form of combustion." Defendant alleges that there was no evidence to show
10 that the firearm he used fit the definition of "firearm" as defined by NRS 202.253(2), therefore
11 was no evidence to show that he used a "deadly weapon" in the commission of his crime,
12 rendering his sentencing enhancement unlawful. Motion at 1-15. As set forth below,
13 Defendant's claim is belied by the record and is incorrect as a matter of law.

14 Defendant pled guilty to the following extensive and detailed recitation of facts as set
15 forth in the Amended Information attached to his Guilty Plea Agreement, which sets forth that
16 he used a hammer and a firearm to beat the victim and shoot her in her knee:

17 ...on or about the 16th day of June, 2015, within the County of Clark,
18 State of Nevada, contrary to the form, force and effect of statutes in
19 such cases made and provided, and against the peace and dignity of
20 the State of Nevada, did together with THARONYA BREINNE
21 POWE, aka, Thaironya Breienne Powe willfully, unlawfully, and
22 feloniously, seize, confine, inveigle, entice, decoy, abduct, conceal,
23 kidnap, or carry away RANETTE MARTIN, a human being, with the
24 intent to hold or detain the said RANETTE MARTIN against her will,
25 and without her consent, for the purpose of killing and/or inflicting
26 substantial bodily harm, *with use of a deadly weapon*, to-wit: a a (sic)
27 *hammer and/or handgun* and/or gasoline and fire; the Defendants
28 being criminally liable under one or more of the following principles
 of criminal liability, to-wit: (1) by directly committing this crime;
 and/or (2) by aiding or abetting in the commission of this crime, with
 the intent that this crime be committed, by counseling, encouraging,
 commanding, inducing and/or otherwise procuring the other to
 commit the crime; and/or (3) pursuant to a conspiracy to commit this
 crime, with the intent that this crime be committed, Defendants aiding
 or abetting and/or conspiring in the following manner, to wit: by

1 entering into a course of conduct whereby Defendant RONNY POWE
2 placed RANETTE MARTIN in a chokehold and dragged her into the
3 garage and Defendant THAIRONYA BREINNE POWE prevented
4 RANETTE MARTIN from escaping by punching her and then
5 confined her in the garage by closing the door, Defendant
6 THAIRONYA BREINNE POWE struck RANETTE MARTIN about
7 the head and body and then duct taped RANETTE MARTIN'S ankles,
8 thereafter Defendant RONNY POWE duct taped RANETTE
9 MARTIN'S wrists and struck her on the head with a hammer and/or
10 struck her in the mouth with a handgun and/or set her on fire,
11 thereafter Defendant RONNY POWE shot her in the knee, Defendant
12 THAIRONYA BREINNE POWE acting as confederate and/or
13 lookout throughout, Defendants acting in concert throughout.

14 Amended Information at 1-2 (emphasis added).

15 During the entry of his plea, Defendant also agreed that he used a firearm—a deadly
16 weapon—in the commission of his crime:

17 THE COURT: Okay. Can you tell me what you did in Clark County,
18 Nevada, on or about the 16th day of June 2015, that makes you guilty
19 of First Degree Kidnapping with –

20 THE DEFENDANT: Everything –

21 THE COURT: – Use of a Deadly Weapon?

22 THE DEFENDANT: Everything that's on page 2 on Exhibit 1.

23 THE COURT: Did you willfully, unlawfully, and feloniously, seize,
24 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry
25 away Ms. Martin, a human being, with the intent to hold or detain her
26 against her will, and without her consent, for the purpose of killing
27 and/or inflicting substantial bodily harm on her, *with the use of a*
28 *deadly weapon: a firearm?*

THE DEFENDANT: Yes.

Entry of Plea Transcript, filed Dec. 3, 2018, at 10 (emphasis added).

Further, as set forth in NRS 193.165, it is not necessary that the State prove a firearm
is a deadly weapon to enhance the Defendant's sentence when a firearm is used in the

1 commission of the crime, as “firearm” is separately delineated from deadly weapon in NRS
2 193.165(1):

3 NRS 193.165 Additional penalty: Use of deadly weapon or tear gas
4 in commission of crime; restriction on probation.

5 1. Except as otherwise provided in NRS 193.169, any person who
6 uses *a firearm* or other deadly weapon or a weapon containing or
7 capable of emitting tear gas, whether or not its possession is permitted
8 by NRS 202.375, in the commission of a crime shall, in addition to
the term of imprisonment prescribed by statute for the crime, be
punished by imprisonment in the state prison for a minimum term of
not less than 1 year and a maximum term of not more than 20 years.

9 (Emphasis added).

10 Further, NRS 193.165(6)(b) sets forth that a deadly weapon enhancement can be
11 rendered based on the use of *any* “deadly weapon,” or “[a]ny weapon, device, instrument,
12 material or substance which, under the circumstances in which it is used, attempted to be used
13 or threatened to be used, is readily capable of causing substantial bodily harm or death...”

14 Here, the State had no need to establish that the firearm used in the commission of the
15 Defendant’s crime was a “deadly weapon” pursuant to NRS 202.253(2) to enhance the
16 Defendant’s sentence under NRS 193.165(1). First, Defendant admitted at entry of plea that
17 he used a firearm in the commission of the crime, and that the firearm was a deadly weapon.
18 Entry of Plea at 10. Second, he admitted in his guilty plea that he used a firearm in the
19 commission of the crime; using a firearm in the commission of a crime renders Defendant
20 specifically eligible for the sentencing enhancement pursuant to NRS 193.165(1). Further,
21 Defendant admitted the firearm used in the commission of the crime was a device “designed
22 to be used as a weapon from which a projectile may be expelled through the barrel by the force
23 of any explosion or other form of combustion,” as he admitted he used that firearm to shoot
24 the victim in the knee, rendering his firearm a “firearm” under NRS 202.252(2). Finally, even
25 if somehow the firearm used in this case was neither a “firearm” or “deadly weapon” under
26 NRS 202.252(2) and NRS 193.165(1)—which the State does not concede—Defendant used a
27 second deadly weapon, a hammer, in the commission of his crime. By striking the victim on
28 the head with a hammer, Defendant indisputably used a “deadly weapon” in the commission

1 of his crime pursuant to NRS 193.165(6)(b), as a hammer used to strike someone in the head
2 would certainly qualify as a "weapon, device, instrument, material or substance which, under
3 the circumstances in which it is used, attempted to be used or threatened to be used, is readily
4 capable of causing substantial bodily harm or death." See Archanian v. State, 122 Nev. 1019,
5 1032, 145 P.3d 1008, 1018 (2006) ("The hammer lying next to Quiroga's body, covered in her
6 blood, coupled with evidence that she died from blunt force trauma to her head sufficiently
7 supports a finding that the hammer was readily capable of causing death and that it was used
8 to murder Quiroga. We conclude that the hammer constituted a deadly weapon under the
9 circumstances of this case.")

10 Thus, Defendant's claim that his deadly weapon enhancement is unlawful because he
11 did not use a "deadly weapon" is emphatically belied by the record and incorrect as a matter
12 of law for multiple independent reasons. Defendant's Motion to Correct Illegal Sentence is
13 thus without any legal or factual merit and should be denied in totality.

14 CONCLUSION

15 For the forgoing reasons, the State respectfully requests that Defendant's Motion to
16 Correct Illegal Sentence should be DENIED.

17 DATED this 2nd day of May, 2019.

18 Respectfully submitted,

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

21 BY

22 Amy L. Ferrell
23 CHARLES W. THOMAN
Chief Deputy District Attorney
Nevada Bar #12649

#10347
for

meB

24 ///

25 ///

26 ///

27 ///

28 ///

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this ____ day of
May, 2019, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

RONNY POW

BAC #1173457

P.O. BOX 650 (HDSP)

INDIAN SPRINGS, NV, 89070

BY _____

Secretary for the District Attorney's Office

15F08992X/mlb/dvu

FILED
JUN 06 2019
Ann L. Williams
CLERK OF COURT

1 MISC
2 Name: Ronny Powe #1173457
3 Address: Wsccl P.O. Box 7007
4 Carson City, NV. 89702
5 Telephone: _____
6 Email Address: _____
7 In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

9
10 State of Nevada
11 Plaintiff,
12 vs.
13 Ronny Powe
14 Defendant.)

CASE NO.: C-15-308371-1
DEPT: 12

Change of Address
Title of Document

21 Respectfully submitted by:
22 (Your signature) R Powe
23 (Your name) RONNY POWE 1173457
24 ☐ Plaintiff / ☒ Defendant In Proper Person

C-16-308371-1
NCOA
Notice of Change of Address
4840794



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RECEIVED

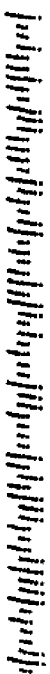
JUN - 6 2019

CLERK OF THE COURT
The Clark County Family Law Self-Help Center

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

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

BS10136300



Steven D. Grierson

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LINSEY MOORS
Deputy District Attorney
Nevada Bar #12232
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONNY POWE, aka, Ronny Darrow Powe,
#1415128

Defendant.

CASE NO: C-15-308371-1

DEPT NO: XII

**ORDER DENYING DEFENDANT'S PRO PER MOTION
FOR CORRECTION OF ILLEGAL SENTENCE**

DATE OF HEARING: May 14, 2019
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the
14th day of May, 2019, the Defendant not being present, IN PROPER PERSON, the Plaintiff
being represented by STEVEN B. WOLFSON, District Attorney, through LINSEY MOORS,

///

///

///

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///

RECEIVED

JUN 11 2019

DEPT.12

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1 Deputy District Attorney, without argument, based on the pleadings and good cause appearing
2 therefor,

3 IT IS HEREBY ORDERED that the Defendant's motion, shall be, and it is DENIED.

4 DATED this 11 day of June, 2019.

5
6 
DISTRICT JUDGE

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

9
10 BY

 #0114
for

LINSEY MOORS
Deputy District Attorney
Nevada Bar #12232
mlb

11
12
13
14
15 CERTIFICATE OF SERVICE

16 I certify that on the 14th day of June 2019, I mailed a copy of the foregoing Order

17 to:

18 RONNY POWE
BAC #1173457

19 WSCC PO BOX 7007
20 CARSON CITY, NV 89702

21
22 BY


Secretary for the District Attorney's Office

23
24
25
26
27
28 15F08992X/mlb/dvu

Steven D. Grierson

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

5 8th DISTRICT COURT
6 Clark COUNTY NEVADA

7
8 Ronny Powe
9 Appellant
10 -v-
11 State of Nevada
12 Respondent
13

Case No. C-308371-1
Dept. No. XII
Docket _____

14 NOTICE OF APPEAL

15 Notice is hereby given that the Appellant Ronny
16 Powe, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court Denial of Powe's Motion for Correction of
19 Illegal Sentence
20

21 Dated this date, 6/12/19
22

23 Respectfully Submitted,

24 R Powe #1173457

25 In Proper Person

26
27
28
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Ronny Powe, hereby certify, pursuant to NRCP 5(b), that on this 12
day of June, 2019, I mailed a true and correct copy of the foregoing, "Notice
of Appeal
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

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

DATED: this 12 day of June, 2019.

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

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice

of appeal

(Title of Document)

filed in District Court Case number C-308371-

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

-OR-

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

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

(State specific law)

-or-

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

Signature RD Powell # 1173457

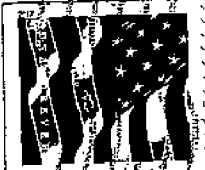
6/12/19
Date

Ronny Powe
Print Name

Pro Per
Title

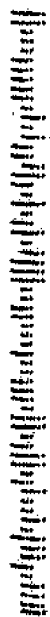
Ronny Pove # 1173457
USC P.O. Box 7007
Carson City, NV. 89702

RENO NV 895
13 JUN 2019 PM 2 L



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

93101-6300



Steven D. Grierson

1 Ronny Powe #1173457

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

5 8th DISTRICT COURT
6 Clark COUNTY NEVADA

7
8 Ronny Powe

9 Appellant

Case No. C-15-30837-1

Dept.No. XII

Docket _____

10 -v-

11 State of Nevada

12 Respondent

13 _____

14 NOTICE OF APPEAL

15 Notice is hereby given that the Appellant Ronny

16 Powe, by and through himself in proper person, does now appeal

17 to the Supreme Court of the State of Nevada, the decision of the District

18 Court Denial of Powe's Motion for Correction

19 of Illegal Sentence

20 _____

21 Dated this date, 6/10/19

22 _____

23 Respectfully Submitted,

24
25 RPowe #1173457

In Proper Person

RECEIVED

25
26
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CLERK OF THE COURT

33

4

CERTIFICATE OF SERVICE BY MAILING

I, Ronny Powe, hereby certify, pursuant to NRCP 5(b), that on this 10
day of June, 2019, I mailed a true and correct copy of the foregoing, "Notice
of Appeal"

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

Steve D. Grierson
clerk of the Court
200 Lewis Ave. 3rd floor
Las Vegas, NV. 89155-1160

DATED: this 10 day of June, 2019.

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

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice

(Title of Document)

filed in District Court Case number C-15-30837-1

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

-OR-

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

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

(State specific law)

-or-

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

Signature Bewe # 1173457

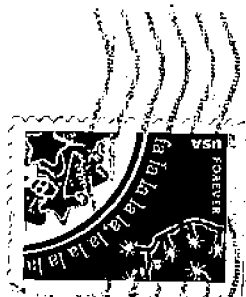
6/10/19
Date

Ronny Powe
Print Name

Pro Per
Title

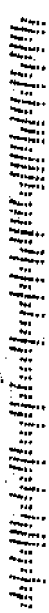
Ronny Foe # 1173457
USCC P.O. Box 7007
Carson City, NV 89702

RENO, NV 895
11 JUN 2019 PM 2 L



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

9510156300





1 ASTA

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5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 RONNY POWE
14 aka RONNY DARROW POWE,

15 Defendant(s),

Case No: C-15-308371-1

Dept No: XII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Ronny Powe

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Ronny Powe

22 Counsel:

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

25 4. Respondent: The State of Nevada

26 Counsel:

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

Las Vegas, NV 89101
(702) 671-2700

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

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

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

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

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

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

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

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

12. Child Custody or Visitation: N/A

Dated This 18 day of June 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Ronny Powe



1 ASTA

2
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5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 RONNY POWE
14 aka RONNY DARROW POWE,

15 Defendant(s),

Case No: C-15-308371-1

Dept No: XII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Ronny Powe

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Ronny Powe

22 Counsel:

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

25 4. Respondent: The State of Nevada

26 Counsel:

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

Las Vegas, NV 89101
(702) 671-2700

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

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

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

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

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

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

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

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

12. Child Custody or Visitation: N/A

Dated This 18 day of June 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Ronny Powe

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 79043
District Court Case No. C308371

FILED

JUN 17 2020

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

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

JUDGMENT

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

"ORDER the judgment of the district court AFFIRMED."

Judgment, as quoted above, entered this 10 day of April, 2020.

JUDGMENT

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

"Review denied"

Judgment, as quoted above, entered this 22 day of May, 2020.

C-15-308371-1
CCJA
NV Supreme Court Clerks Certificate/Judgm
4918317



IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
June 16, 2020.

Elizabeth A. Brown, Supreme Court Clerk

By: Kaitlin Meetze
Administrative Assistant


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 79043-COA

FILED

APR 10 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Ronny Darrow Powe appeals from a district court order denying a motion to correct an illegal sentence filed on April 1, 2019. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


Powe claimed that his sentence was illegally enhanced because the State failed to prove that the weapon supporting the deadly weapon finding was a deadly weapon as defined by NRS 193.165(6) and NRS 202.253(2).

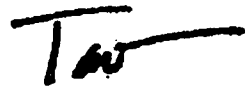
NRS 176.555 states a district "court may correct an illegal sentence at any time." A motion to correct an illegal sentence, however, may only challenge the facial legality of the sentence; either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). "A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence." *Id.* (internal quotation marks omitted).


Powe's claim fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence because it did not implicate the

jurisdiction of the district court, *see* Nev. Const. art. 6, § 6; NRS 171.010, and his sentence is facially legal, *see* NRS 193.165(1); NRS 200.320(2)(a). Accordingly, we conclude the district court did not err by denying his motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 79043

FILED

MAY 22 2020

ELIZABETH A. CROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER DENYING PETITION FOR REVIEW

Review denied. NRAP 40B.¹

It is so ORDERED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

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

¹The Honorable Mark Gibbons, Justice, did not participate in the decision of this matter.

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 79043
District Court Case No. C308371

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

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

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

DATE: June 16, 2020

Elizabeth A. Brown, Clerk of Court

By: Kaitlin Meetze
Administrative Assistant

cc (without enclosures):

Hon. Michelle Leavitt, District Judge
Ronny Darrow Powe
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District
Attorney

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on JUN 17 2020.

HEATHER UNGERMANN

Deputy District Court Clerk

RECEIVED
APPEALS

JUN 17 2020

CLERK OF THE COURT

1

20-22408

Heather S. Hume

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
DEPT NO: C-15-308371-1
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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//

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

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

9 In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902 (2002), the Nevada Supreme
10 Court affirmed the rejection of a habeas petition that was filed two days late, pursuant to the
11 “clear and unambiguous” mandatory provisions of NRS 34.726(1). Gonzales reiterated the
12 importance of filing the petition with the district court within the one-year mandate, absent a
13 showing of “good cause” for the delay in filing. Gonzales, 118 Nev. at 593, 590 P.3d at 902.
14 The one-year time bar is therefore strictly construed. In contrast with the short amount of time
15 to file a notice of appeal, a prisoner has an ample full year to file a post-conviction habeas
16 petition, so there is no injustice in a strict application of NRS 34.726(1). Id. at 593, 53 P.3d at
17 903.

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

24 B. The procedural bars are mandatory

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

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

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4 Given the untimely and successive nature of [petitioner’s] petition,
5 the district court had a duty imposed by law to consider whether
6 any or all of [petitioner’s] claims were barred under NRS 34.726,
7 NRS 34.810, NRS 34.800, or by the law of the case . . . [and] the
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9 arbitrary and unreasonable exercise of discretion.

10 Id. at 234, 112 P.3d at 1076. The Court justified this holding by noting that “[t]he necessity
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16 In State v. Greene, the Nevada Supreme Court reaffirmed its prior holdings that the
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18 conviction petition for writ of habeas corpus. See State v. Greene, 129 Nev. 559, 565–66, 307
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20 successive, and that the petitioner failed to show good cause and actual prejudice. Id.
21 Accordingly, the Court reversed the district court and ordered the petitioner’s petition
22 dismissed pursuant to the procedural bars. Id. at 567, 307 P.3d at 327.

23 Petitioner does not set forth any good cause for his delayed filing in this matter. His
24 Judgment of Conviction was filed on February 17, 2017; thus, he should have filed his petition
25 by February 17, 2018. While he was able to file two Motions for Modification of Sentence,
26 Petitioner never filed a timely petition. He has not set forth any good cause as to why his filing
27 was untimely. Because the procedural bars are mandatory and Petitioner has failed to show
28 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

1 (1978). This analysis does not mean that the court should “second guess reasoned choices
2 between trial tactics nor does it mean that defense counsel, to protect himself against
3 allegations of inadequacy, must make every conceivable motion no matter how remote the
4 possibilities are of success.” Id. To be effective, the Constitution “does not require that counsel
5 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
6 cannot create one and may disserve the interests of his client by attempting a useless charade.”
7 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

8 “There are countless ways to provide effective assistance in any given case. Even the
9 best criminal defense attorneys would not defend a particular client in the same way.”
10 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after
11 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
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13 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's
14 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
15 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

16 Even if a Petitioner can demonstrate that his counsel's representation fell below an
17 objective standard of reasonableness, he must still demonstrate prejudice and show a
18 reasonable probability that, but for counsel's errors, the result of the trial would have been
19 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
20 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). “A reasonable probability is a probability
21 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-89,
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23 convictions occurs due to a guilty plea. Hill v. Lockhart, 474 U.S. 52, 59 (1985); Kirksey v.
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25 reasonable probability that, but for counsel's errors, he would not have pleaded guilty and
26 would have insisted on going to trial.” Kirksey, 112 Nev. at 998 (quoting Hill, 474 U.S. at 59).
27 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the disputed
28 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

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

3 C. Ground Three – Prosecutorial misconduct

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

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

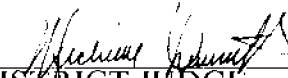
10 D. Ground Four – Appeal and Post-conviction dismissals

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

15 **ORDER**

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

18 Dated this 6th day of March, 2022

19 
20 _____
DISTRICT JUDGE

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

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

23 BY /s/ Alexander Chen
24 ALEXANDER CHEN
25 Chief Deputy District Attorney
Nevada Bar #010539

1 CERTIFICATE OF SERVICE

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

4
5 RONNY POWE #1173457
6 WARM SPRINGS CORRECTIONAL CENTER
7 P.O. BOX 7007
8 CARSON CITY, NV 89702

9 /s/ Kristian Falcon

10 Secretary for the District Attorney's Office
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27 ac/kf/dvu
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 Ronny Powe, Plaintiff(s)

CASE NO: A-21-845477-W

7 vs.

DEPT. NO. Department 12

8 K. Olsen, Warden (W.S.C.C.),
9 Defendant(s)

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11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Heather S. Hume

CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
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Nevada Bar #10539
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Attorney for Plaintiff

DISTRICT COURT
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CASE NO: A-21-845477-W
DEPT NO: C-15-308371-1
XII

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LAW AND ORDER**

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

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27 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the disputed
28 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

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

3 C. Ground Three – Prosecutorial misconduct

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

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

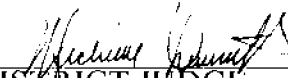
10 D. Ground Four – Appeal and Post-conviction dismissals

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

15 **ORDER**

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

18 Dated this 6th day of March, 2022

19 
20 DISTRICT JUDGE

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

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

23 BY /s/ Alexander Chen
24 ALEXANDER CHEN
25 Chief Deputy District Attorney
Nevada Bar #010539

1 CERTIFICATE OF SERVICE

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

4
5 RONNY POWE #1173457
6 WARM SPRINGS CORRECTIONAL CENTER
7 P.O. BOX 7007
8 CARSON CITY, NV 89702

9 /s/ Kristian Falcon

10 Secretary for the District Attorney's Office
11
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27 ac/kf/dvu
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Ronny Powe, Plaintiff(s)

CASE NO: A-21-845477-W

7 vs.

DEPT. NO. Department 12

8 K. Olsen, Warden (W.S.C.C.),
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
15
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28

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

FILED

MAR 21 2022

Thomas A. Johnson
CLERK OF COURT

District Court
Clark County Nevada

Ronny Pave
Petitioner,

Case No: A-21-845477-W
C-15-308371-1

vs-
The State of Nevada.
Respondents.

Dept No: X II (12).

" Notice of Appeal "

Comes now Ronny Pave 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 until February 28th 2022.

Respectfully submitted this ~~16~~¹⁶th day of March 2022.

RECEIVED

MAR 21 2022

CLERK OF THE COURT

R Pave

Ronny Pave #1173457
WSCC PO Box 7007
Carson City, NV 89702

Renny Powe 1173457
 Wscd PO Box 7007
 Carson City, NV 89702

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 200 LEWIS AVE
 LAS VEGAS NV 89101-6300

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

THE
JULY 1971
JOURNAL OF THE
AMERICAN COLLEGE OF
NUTRITION

Certificate of Service

I Renny Powe hereby certify under the penalty of perjury that on this ~~16~~¹⁷ day of March, 2022, I mailed a true and correct copy of the attached pleading Notice of Appeal, to the following parties postage prepaid 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 ~~16~~¹⁷ day of March 2022.

x R Powe
Renny Powe



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 RONNY POWE aka RONNY DARROW POWE,

14 Defendant(s),
15

Case No: C-15-308371-1

Dept No: XII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Ronny Powe

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Ronny Powe

22 Counsel:

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

25 4. Respondent: The State of Nevada

26 Counsel:

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

(702) 671-2700

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

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

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

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

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

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

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

Type of Judgment or Order Being Appealed: 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

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
315 - 414
WILL FOLLOW VIA
U.S. MAIL**

**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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

**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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

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. inculcates 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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

**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
POWE, RONNY
Smith, Tyler
State of Nevada

Attorney
Defendant
Attorney
Plaintiff

JOURNAL ENTRIES

- Attorney Nadine Morton, Esq. is present on behalf of Co-Def. 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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

**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

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Minutes Date: July 31, 2015

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-Defendant, 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

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Minutes Date: July 31, 2015

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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

**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.

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

C-15-308371-1

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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

**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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

**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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

**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

PRINT DATE: 04/20/2022

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Minutes Date: July 31, 2015

**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

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated April 4, 2022, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises two volumes with pages numbered 1 through 439.

STATE OF NEVADA,

Plaintiff(s),

vs.

RONNY POWE
aka RONNY DARROW POWE,

Defendant(s),

Case No: C-15-308371-1
Related Case A-21-845477-W
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 21 day of April 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk