

No. _____

In The Supreme Court of the United States

MELVYN PERRY SPROWSON,
Petitioner

v.

THE STATE OF NEVADA,
Respondent

On Petition For A Writ Of Certiorari To The Supreme Court Of Nevada

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Melvyn P. Sprowson, by attorneys Deborah L. Westbrook, P. David Westbrook (*counsel of record*), and William M. Waters, respectfully moves this Court to enter an order permitting him to proceed *in forma pauperis*. As grounds for, and in support of his motion, Petitioner states as follows:

1. Mr. Sprowson is without funds to prosecute this action and has been found by the state of Nevada to be indigent for the purposes of all trial and appellate proceedings in this matter.

2. Pursuant to United States Supreme Court Rule 39.1, Mr. Sprowson has not attached a declaration or affidavit in support of this motion. Instead, he attaches documentation from the Eighth Judicial District Court, in Clark County Nevada, indicating that he was found indigent and that the Office of the Clark County Public Defender was appointed to represent him in his direct appeal:

- a. On May 27, 2015, the district court found Mr. Sprowson “is indigent as his current incarceration has rendered him unable to pay for his legal defense in the instant case.” *See Exhibit A.*
- b. Although Mr. Sprowson represented himself *pro se* at trial, the Office of the Clark County Public Defender was appointed to represent Mr. Sprowson in his direct appeal, effective May 24, 2017, and that representation is ongoing at this time. *See Exhibit B.*

3. When appointed, the Office of the Clark County Public Defender is required to represent indigent defendants. *See* Nev. Rev. Stat. § 260.060(2) (“[t]he public defender shall, when designated pursuant to NRS 62D.030, 171.188 or 432B.420, and within the limits of available money, represent without charge each indigent person for whom he or she is appointed.”); Nev. Rev. Stat. § 171.188(3) (when a district judge finds a defendant is “without means of employing an

attorney" and "determines that representation is required", the judge "shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant.")

4. Undersigned counsel are full-time employees of the Office of the Clark County Public Defender, representing Mr. Sprowson in connection with his direct appeal from his judgment of conviction, and his Petition for Certiorari to this Court.

WHEREFORE, for all the reasons herein, Petitioner respectfully requests that he be permitted to proceed *in forma pauperis* in this action.

Dated this 27th day of September, 2019

Counsel for Petitioner:

DEBORAH L. WESTBROOK
P. DAVID WESTBROOK*
WILLIAM M. WATERS
Chief Deputy Public Defenders



By: P. David Westbrook
Office of the Clark County
Public Defender
309 S. Third St. #226
P.O. Box 552610
Las Vegas, NV 89155-2610
westbrpd@clarkcountynv.gov
Phone: (702) 455-1762

**Counsel of Record*

No.

In the Supreme Court of the United States

MELVYN PERRY SPROWSON,

Petitioner

v.

THE STATE OF NEVADA,

Respondent

**On Petition for a Writ of Certiorari to the
Nevada Supreme Court**

CERTIFICATE OF SERVICE

I, P. DAVID WESTBROOK, declare that I am over the age of 18 years, not a party to the within cause and a member of the bar of this Court; my business address is 309 South

Third Street, #226, Las Vegas, Nevada 89155-2610. I served a true copy of the **MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS** on each of the following, by placing same in an envelope addressed as follows:

Aaron D. Ford, Attorney General
State of Nevada, Criminal Justice Division
100 North Carson Street
Carson City, Nevada 89701-4717

Steven B. Wolfson, District Attorney
Attn: Appellate Division
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

Each said envelope was then, on the 27 day of September, 2019, sealed and deposited in the United States mail at Las Vegas, Clark County, Nevada, the county in which I am employed, with the postage thereon fully prepaid. I certify that all parties required to be served have been served. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 27 day of September, 2019, at Las Vegas, Nevada.


Counsel for Petitioner

EXHIBIT A

1 DISTRICT COURT
2 CLARK COUNTY, NEVADA
3
4
5
6
7
8
9
10

Anna B. Shum
CLERK OF THE COURT

STATE OF NEVADA,

CASE NO.: C295158

v.

DEPARTMENT XXIII

MELVYN SPROWSON,

MINUTE ORDER

Defendant.

11 These matters are set to be heard on Monday, March 24, 2015, at 9:30 A.M. on
12 Defendant's Motion to Suppress Evidence (Evidentiary Hearing Requested), and
13 Defendant's Ex Parte Application for Court Approval of Payment of Specific Categories of
14 Ancillary Defense Costs. Upon careful review of the pleadings on file, COURT FINDS, the
15 Certificate of Service via Wiznet, establishes that the Motion to Suppress was served on
16 May 6, 2015, while the Ex Parte Application was served on May 8, 2015. The time for
17 filing an Opposition to either has expired without a request for an extension of time.

18 Having considered the matters and all documents on file herein, the court hereby
19 issues the following decision.

20 COURT FINDS Defendant is indigent as his current incarceration has rendered him
21 unable to pay for his legal defense in the instant case.

22 COURT ORDERS Defendant's Ex Parte Application for Court Approval of Payment
23 of Specific Categories of Ancillary Defense Costs GRANTED.

24 COURT ORDERS the State to pay the costs of procuring a private investigator.

25
26
27
28

STEFANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408

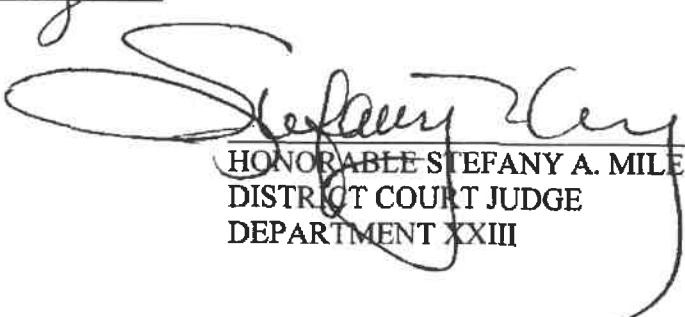
1 COURT ORDERS the Defense to contact Drew Christensen, Esq. with the Clark
2 County Manager's Office to determine the following:

3 1) what funds the State will allocate to secure further defense work;
4 2) what funds the State will allocate to secure private investigative work of
5 behalf of the Defendant; and
6 3) the scope of the private investigative work for which the State will allocate
7 funds.

8
9 COURT ORDERS an evidentiary hearing set for July 1, 2015 at 11:00 a.m. to
10 determine whether evidence seized pursuant to the search of the Defendant's
11 apartment should be suppressed and excluded. All witnesses are to be present at this
12 hearing.

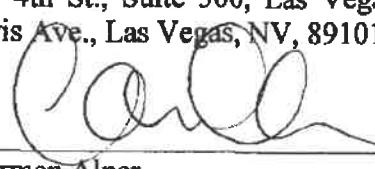
13
14 COURT ORDERS the State to respond in writing to the Defendant's Motion to
15 Suppress Evidence (Evidentiary Hearing Requested) by June 17, 2015 at 5:00 p.m.

16
17 Dated this 27 day of May, 2015.

18
19 
20 HONORABLE STEFANY A. MILEY
21 DISTRICT COURT JUDGE
22 DEPARTMENT XXIII

23 **CERTIFICATE OF MAILING**

24 I hereby certify that on May 27, 2015, I mailed a copy of the
25 foregoing Decision to John Momot at 520 S. 4th St., Suite 300, Las Vegas, NV,
26 89101 and to Jacqueline Bluth, Esq. at 200 Lewis Ave., Las Vegas, NV, 89101.

27 By: 

28 Carmen Alper
Judicial Executive Assistant

STEPHANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408

EXHIBIT B

REGISTER OF ACTIONS

CASE NO. C-14-295158-1

State of Nevada vs Melvyn Sprowson, Jr.

Case Type: **Felony/Gross Misdemeanor**
 Date Filed: **01/10/2014**
 Location: **Department 23**
 Cross-Reference Case Number: **C295158**
 Defendant's Scope ID #: **5996049**
 ITAG Booking Number: **1300056900**
 ITAG Case ID: **1665338**
 Lower Court Case # Root: **13F17841**
 Lower Court Case Number: **13F17841X**
 Supreme Court No.: **68797**
73674

PARTY INFORMATION

Defendant **Sprowson, Melvyn Perry, Jr.**

Lead Attorneys
Public Defender
Court Appointed

Plaintiff **State of Nevada**

Steven B Wolfson
 702-671-2700(W)

CHARGE INFORMATION

| Charges: Sprowson, Melvyn Perry, Jr. | Statute | Level | Date |
|--|-------------|--------|------------|
| 1. FIRST DEGREE KIDNAPPING | 200.310.1 | Felony | 07/01/2013 |
| 2. CHILD ABUSE , NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY OR MENTAL HARM | 200.508.1a2 | Felony | 07/01/2013 |
| 3. UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY | 200.710.1 | Felony | 07/01/2013 |
| 4. UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY | 200.710.1 | Felony | 07/01/2013 |
| 5. UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY | 200.710.1 | Felony | 07/01/2013 |
| 6. UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY | 200.710.1 | Felony | 07/01/2013 |

EVENTS & ORDERS OF THE COURT

05/24/2017 [Sentencing](#) (9:30 AM) (Judicial Officer Miley, Stefany)

05/24/2017, 06/26/2017
SENTENCING - COUNTS 1-6

Minutes

05/17/2017 9:30 AM

05/22/2017 9:30 AM

05/24/2017 9:30 AM

- Deft. advised he had only received presentence report the day before, noted errors on page four of report and stated he had not had opportunity to review the report in its entirety. Standby counsel requested a 30 day continuance. Colloquy regarding specific errors in report. State advised they could strike the use of deadly weapon from the charge and stated they did not know where parole and Probation had by this information. Deft. stated he still needed to review the entire report. COURT ORDERED, matter SET for status check and sentencing
- CONTINUED. CUSTODY 05-31-17 9:30 AM STATUS CHECK: PSI CORRECTIONS 06-26-17 9:30 AM SENTENCING - COUNTS 1 - 6

06/26/2017 9:30 AM

- Deft. advised he was satisfied with the Supplemental Presentence Report. Court noted an evaluation would need to be completed prior to release on parole. Argument by the State. Argument by Deft. Victim Speakers SWORN and ADDRESSED the Court. DEFT. SPROWSON ADJUDGED GUILTY of COUNT 1 - FIRST DEGREE KIDNAPPING (F); COUNT 2 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY OR MENTAL HARM (F); COUNT 3 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (F); COUNT 4 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (F); COUNT 5 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (F); and COUNT 6 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee and \$8,000.00 Fine, Deft. SENTENCED as to COUNT 1 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served; COUNT 2 - to a MAXIMUM of NINETY-SIX (96) MONTHS and MINIMUM of THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC), to run CONSECUTIVE to COUNT 1; COUNT 3 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served, to run CONSECUTIVE to COUNT 2; COUNT 4 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served, to run CONCURRENT with COUNT 3; COUNT 5 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served, to run CONCURRENT with COUNT 4; and COUNT 6 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served, to run CONCURRENT with COUNT 5 with ONE THOUSAND FIFTY-SEVEN (1,057) DAYS credit for time served. The AGGREGATE TOTAL SENTENCE of a MAXIMUM of LIFE with ONE HUNDRED FIFTY (150) MONTHS MINIMUM. COURT ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. FURTHER, Register as a sex offender in accordance with NRS 179D.460 within 48 hours after any release. At the request of Deft. and agreement by Public Defender's Office, COURT ORDERED, Public Defender's Office SUBSTITUTED IN as counsel for Appeal. BOND, if any, EXONERATED. NDC

Parties Present

Return to Register of Actions