

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERALD DEWAYNE WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87963-COA

FILED

APR 23 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Gerald Dewayne Williams appeals pursuant to NRAP 4(c) from a judgment of conviction entered pursuant to a jury verdict of battery resulting in substantial bodily harm constituting domestic violence, second-degree kidnapping, and coercion, and pursuant to a guilty plea of ownership or possession of a firearm by a prohibited person. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In August 2016, Williams called a phone dating service and was connected with the victim, K.P., who met Williams at his motel room at the Kensington Suites in Las Vegas. K.P. stayed the night and returned to the motel room the following day after briefly departing to attend a therapy session. After she returned, Williams took all of her belongings, including her clothes, cards, and medication. Williams disposed of K.P.'s clothes within the first few days of meeting her, and he took her disability benefits debit card and changed the PIN without her knowledge.

According to K.P.'s trial testimony, Williams held K.P. in his motel room for approximately two-and-a-half years, during which time he physically abused her. He also threatened to kill K.P. while pointing a loaded gun at her face and threatened to kill her grandmother if she ever

tried to escape. Williams only allowed K.P. to eat once per day; during her confinement, she lost roughly 100 pounds. Although K.P. testified that Williams would leave her alone in the room for 9 to 12 hours at a time, she did not try to leave because she was afraid that Williams would have her family killed.

Williams largely kept to himself in the complex, interacting with very few people. K.P. testified that, on the rare occasion that he would have a visitor, Williams would force K.P. to stay in the bathroom until the visitor left. Once, Williams accused K.P. of putting a hole in the wall and forced her to crawl into a cabinet underneath the sink as punishment. Williams then barricaded the cabinet doors for an extended period of time until he decided to let K.P. out. K.P. only exited the motel room three times in the two-and-a-half-year period.

K.P. testified that in March 2019, Williams again accused her of damaging the motel room. As punishment, he hit her over the head with VCR tapes and whipped her with a cord. When he threatened to beat her for the rest of the night, K.P. fled the motel room. Naked and bloodied, K.P. ran toward the leasing office. The manager, Alma Garcia, ushered her inside, instructed her to hide behind the desk, and locked the door as Williams pursued. Garcia then called 9-1-1.

Police and paramedics arrived soon after. LVMPD officers arrested Williams while paramedics treated K.P.'s injuries and transported her to the hospital for further evaluation. At the hospital, medical personnel administered a blood test to K.P. A subsequent toxicology report apparently indicated the presence of benzodiazepines and opiates,¹

¹This toxicology report is not included in the record on appeal.

although these results were not shared with K.P. A crime scene analyst responded to the hospital and took more than 70 photos of K.P.'s injuries while speaking with her.

While K.P. received treatment at the hospital, another crime scene analyst was called to investigate Williams's motel room. The analyst photographed broken VCR tapes on the floor, blood on the carpet nearby, a locked closet, and Williams's gun, among other evidence. The analyst also noted the lack of food in the motel room and the absence of any women's clothing. Another detective discovered K.P.'s purse, which was buried underneath other items in the locked closet. The purse contained only documents bearing K.P.'s name from two years prior.

Williams was charged with battery resulting in substantial bodily harm constituting domestic violence, first-degree kidnapping, coercion, three counts of sexual assault, and possession of a firearm by a prohibited person. The case proceeded to trial in July 2019. In his opening statement, Williams admitted to the charge of battery resulting in substantial bodily harm constituting domestic violence; however, he disputed the kidnapping, coercion, and sexual assault charges.

Following closing arguments, the jury found Williams guilty of battery resulting in substantial bodily harm constituting domestic violence, second-degree kidnapping, and coercion. The jury found Williams not guilty of all three counts of sexual assault. Williams also pleaded guilty to the charge of possession of a firearm by a prohibited person.

Williams appeals pursuant to NRAP 4(c). On appeal, Williams argues that: (1) the district court abused its discretion by preventing him from questioning K.P. regarding the results of her toxicology report and by purportedly denying his request to admit that report into evidence; (2) the

State failed to show sufficient evidence to prove his conviction for second-degree kidnapping; and (3) the cumulative error doctrine entitles him to relief. Upon review, we conclude Williams has not demonstrated a basis for relief, and we affirm his judgment of conviction.

The district court did not abuse its discretion by preventing Williams from questioning K.P. regarding the results of her toxicology report

Williams first argues the district court abused its discretion by preventing him from questioning K.P. regarding the results of her toxicology report and denying his request to admit that report into evidence. Williams contends the results were relevant and probative because they provided the basis for his defense theory: that K.P. was free to leave on several occasions, but did not flee due to the drugs she consumed. This court reviews the district court's decision to admit or exclude evidence for an abuse of discretion. *Collins v. State*, 133 Nev. 717, 724, 405 P.3d 657, 664 (2017).

During cross-examination, Williams questioned K.P. regarding her use of "street drugs." When the State objected on relevance grounds, Williams explained that the line of questioning was relevant because K.P.'s toxicology report apparently identified benzodiazepines and opiates. Williams represented to the district court that this meant K.P. had illegal drugs or heroin in her system. The district court noted that the presence of benzodiazepines did not necessarily indicate illegal drug use; rather, it could indicate the presence of Valium or Xanax. Then, the State pointed out that the toxicology report was hearsay, and the court agreed.

Williams conceded that the report was hearsay, but made the following offer of proof:

It is a hearsay document but my first question was did you take street drugs and she's gonna say yes or no. In the past. Then my next question is she

never took any street drugs after that. That's correct. *And then I'm gonna ask her when the doctors do a blood test were you aware that they found drugs in your system and leave it at that.*

(Emphases added.) The district court ruled that Williams could ask K.P. if she did heroin during the relevant time period. However, the court would not allow Williams to represent to the jury that the toxicology report indicated *illegal* drug use; and at that point, the State noted that Williams had not noticed any medical experts to offer an opinion about the contents of the report.

Thereafter, Williams did not seek to admit the toxicology report into evidence. Instead, he asked K.P. four questions: (1) whether she used heroin during the two-year period that she lived in Williams's apartment; (2) whether she did any illegal drugs during that time; (3) whether she had a blood test taken; and (4) whether she was told the results of that test. In response, K.P. denied doing heroin or illegal drugs besides marijuana. And, although K.P. recalled having a blood test taken, no one told her the results of that test.

As K.P. did not have any personal knowledge regarding the toxicology report or the results of her blood test, and the report had not been admitted into evidence, the district court did not abuse its discretion by prohibiting Williams from questioning K.P. regarding the results of her blood test. *See* NRS 50.025(1)(a) ("A witness may not testify to a matter unless . . . [e]vidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter . . .").

Williams also argues the district court abused its discretion by refusing to admit the toxicology report into evidence. However, Williams never moved to have the report admitted into evidence, nor did he call any witnesses who could have properly authenticated the report to allow for its

admission.² See *Sanders v. Sears-Page*, 131 Nev. 500, 514-16, 354 P.3d 201, 210-11 (Ct. App. 2015) (recognizing that a medical report must be authenticated before it may be admitted into evidence and discussing how such a report may be authenticated); see also NRS 52.015. Therefore, we conclude the district court did not abuse its discretion in not admitting the toxicology report.

Sufficient evidence supports Williams's conviction for second-degree kidnapping

Williams also argues there was insufficient evidence to support his conviction for second-degree kidnapping. He claims the State presented no evidence that he seized, took, carried away, or inveigled K.P., because she went to his motel room willingly in August 2016. He also claims that K.P. could have left when he left the motel room for hours at a time, and that K.P.'s fears that he would hurt her grandmother were unrealistic and tied to past abuses. We disagree.

When determining whether a jury verdict is supported by sufficient evidence, this court will inquire "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998) (quoting *Koza v. State*, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984)); see also *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). "[I]t is the function of the jury, not the appellate court, to weigh the evidence and pass

²For these reasons, we need not consider Williams's claim that the toxicology report would have been admissible under a hearsay exception or that the report would have been admissible had he called an expert witness.

upon the credibility of [a] witness.” *Walker v. State*, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975).

Under NRS 200.310(2), “[a] person who willfully and without authority of law seizes, inveigles, takes, carries away or kidnaps another person with the intent to keep the person secretly imprisoned within the State . . . is guilty of kidnapping in the second degree.” “The statute is quite broad, and designates alternative circumstances which fall within its sweep.” *Jacobson v. State*, 89 Nev. 197, 202-03, 510 P.2d 856, 859 (1973). “The crime is complete, for example, whenever it is shown that a person willfully and without lawful authority *seizes another with the intent to keep him secretly imprisoned, or to detain him against his will.*” *Id.* at 203, 510 P.2d at 859 (emphasis added). There is no minimum distance of asportation required by the statute, *see Jensen v. Sheriff*, 89 Nev. 123, 125, 508 P.2d 4, 5 (1973), and “[m]ovement of the victim is only one of several methods by which the statutory offense may be committed,” *Jacobson*, 89 Nev. at 203, 510 P.2d at 860.

Regardless of whether K.P. went to Williams’s apartment willingly in August 2016, K.P. testified at length to Williams’s actions that kept her secretly imprisoned and detained in his motel room against her will for the next two-and-a-half years. K.P. testified that Williams threw away her clothes, locked up all her belongings, forced her into the bathroom under threat of violence, physically abused her, threatened to physically abuse her further if she disturbed the order of the motel room, and more. K.P. also testified that she was afraid to leave because Williams threatened to kill her grandmother if she left. K.P.’s testimony was corroborated by several police officers, detectives, and crime scene analysts at trial. Although Williams contends that K.P.’s fear of leaving was not “valid or

based in reality,” it was for the jury to determine the weight and credibility to give to K.P.’s testimony. *See Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

In addition, whether K.P. had opportunities to flee during her two-and-a-half-year period of captivity is not dispositive. Indeed, K.P. testified that on one occasion Williams forced her to crawl into the sink cabinet as a punishment and then barricaded the cabinet doors with a heavy object, which, in and of itself, would support a conviction for second-degree kidnapping. Viewing the evidence in the light most favorable to the State, a reasonable juror could conclude beyond a reasonable doubt that Williams seized K.P. with the intent to keep her secretly imprisoned or detained her against her will. As such, the State presented sufficient evidence to support Williams’s conviction of second-degree kidnapping.

Williams identified no errors to cumulate

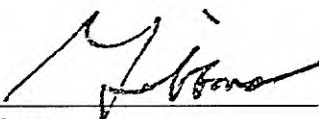
Finally, Williams claims that the cumulative error doctrine warrants reversal of his conviction. We disagree. Although “[t]he cumulative effect of errors may violate a defendant’s constitutional right to a fair trial even though errors are harmless individually,” *Hernandez v. State*, 118 Nev. 513, 535, 50 P.3d 1100, 1115 (2002), Williams has not demonstrated any errors to cumulate.³ Therefore, he is not entitled to relief on this claim. *See Chaparro v. State*, 137 Nev. 665, 673-74, 497 P.3d 1187, 1195 (2021) (holding a claim of cumulative error lacked merit where there were no errors to cumulate); *see also United States v. Rivera*, 900 F.2d 1462, 1471 (10th Cir. 1990) (“[A] cumulative-error analysis should evaluate only

³Insofar as Williams has raised other arguments not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

the effect of matters determined to be error, not the cumulative effect of non-errors.”). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Michelle Leavitt, District Judge
Jean J. Schwartzner
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk