



IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARENCE EDWARD MARTIN, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 90149

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of first-degree murder, child abuse, neglect, or endangerment resulting in substantial bodily harm, first-degree arson, cruelty to animals, attempted murder with the use of a deadly weapon of a victim 60 years of age or older, and multiple related counts. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

*FACTS*

On October 24, 2020, Nicole Poole awoke to her fiancé, appellant Clarence Martin, Jr., repeatedly kicking her and yelling. Poole grabbed their two-month-old baby, London, who had been sleeping in bed with the couple, and ran to the living room. Martin followed, demanding Poole give him the baby. He snatched London from Poole's arms, walked outside, and threw London off the second-floor apartment balcony. After finding London face down on the asphalt, Poole picked her up and ran screaming for help. Poole called 911, stating that she needed medical help for her baby and describing how Martin took and threw London. Poole told the operator that her fiancé "went crazy" and that "he's been having some mental issues lately." Approximately three minutes into the call, Poole

passed the phone to another resident of the apartment complex who had come to her aid. Poole can be heard crying and yelling “my baby” throughout the call. Later, London succumbed to the injuries she sustained in the fall.

While Poole was outside, Martin set the apartment on fire. Poole’s dog was locked in a crate in the apartment and died from smoke inhalation. Witnesses heard Martin screaming “burn, bitch, burn,” as he got into Poole’s car. He sped from the scene, striking several other cars and nearly striking a person on his way to McCarran International Airport, where officers apprehended him. During the arrest, he continuously laughed and yelled, “At Jeffreys Street, burn, you fucking bitch! Yeah! . . . I did it for you, fucking cheater!”

Martin filed a pretrial motion seeking to sever the first-degree arson and animal cruelty counts from the other counts, which the district court denied. He also filed a notice of intent to offer his mental health records through a custodian under NRS 52.260. The district court ruled that the defense could discuss the behaviors described within the records but could not discuss the psychological diagnoses they contained. During trial, the district court ordered that the psychological diagnoses be redacted before a jury could view the records.

The defense conceded in closing argument that the State had proven most of the charges in the indictment. Its main theory of defense was that Martin was not in his right mind, the State had not proven the premeditation and deliberation required for first-degree murder, and a second-degree murder conviction was appropriate. On that point, several witnesses testified at trial about Martin’s mental state in the time leading up to October 24, 2020. For example, Martin’s ex-girlfriend, Katie Archie,

testified that Martin experienced episodes in which he would not shower, eat, make eye contact, or change clothes. A week before the murder, Archie warned Poole that Martin was not himself and that she needed to get him some help. Martin's medical records also showed that he had been hospitalized for delusions in the past. Based on this evidence, the defense argued, the State failed to prove beyond a reasonable doubt that Martin's actions were willful and deliberate as needed to convict him of first-degree murder.

The jury unanimously convicted Martin on all counts, including first-degree murder. Martin waived his penalty hearing before the jury and the district court sentenced Martin to an aggregate term of incarceration of 49.5 years to life.

On appeal, Martin claims that the district court erred by: (1) redacting the diagnoses from his mental health records; (2) denying his motion to sever the arson and animal cruelty counts from the rest of the counts; (3) sentencing him in violation of the Eighth Amendment; and (4) admitting Poole's 911 call.

### *DISCUSSION*

*The district court did not err by redacting Martin's psychological diagnoses unless explained by expert testimony*

Martin argues that the district court should have admitted the entirety of his mental health records without redacting his mental health diagnoses, citing NRS 52.260. He contends that the statute deems medical opinions or diagnoses within such records admissible and that his complete medical records were necessary to explain his defense theory about his mental health conditions. The State argues that this issue is unpreserved because Martin did not object to the district court's pretrial ruling

restricting the defense from discussing the diagnoses. While Martin did not object to that pretrial ruling, he did object when the district court extended it mid-trial to hold that the records would have to be redacted, so he preserved the issue. Although Martin frames the district court’s decision as a violation of his due process right to present a complete defense, we construe his brief to be alleging an abuse of discretion under Nevada’s evidence code. *See Frei ex rel. Frei v. Goodsell*, 129 Nev. 403, 408-09, 305 P.3d 70, 73 (2013) (reviewing decision to exclude evidence for an abuse of discretion). To the extent that Martin alleges that the district court violated his right to present a complete defense, he failed to present a cogent argument or relevant authority in support of this claim. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”).

First, though Martin argues that the district court misinterpreted NRS 52.260, that statute deals with authentication—not admission—and specifies that a record’s contents (including medical opinions and diagnoses) may only be proved under that statute “if otherwise admissible.” NRS 52.260(1). Authentication is necessary but not sufficient for admissibility. NRS 52.015(1) (calling authentication “a condition precedent to admissibility”); *Talley v. State*, 141 Nev., Adv. Op. 61, 580 P.3d 101, 108 (2025) (“Among many admissibility questions, a court must first determine the authenticity of a proposed piece of evidence and then proceed to assess other evidentiary concerns.”). Thus, this statute did not give him the unfettered right to present his medical records without redaction.

Second, Martin argues that the district court should have admitted the unredacted records because they were relevant and not more

prejudicial than probative. NRS 48.025 provides that relevant evidence is admissible unless (as pertinent here) otherwise inadmissible under NRS Chapter 48. NRS 48.025(1)(a). “Although relevant, evidence is not admissible if its probative value is substantially outweighed by the danger of unfair prejudice, of confusion of the issues or of misleading the jury.” NRS 48.035(1).

Martin is correct that the diagnoses were relevant to his state of mind at the time of the murder. *See Finger v. State*, 117 Nev. 548, 577, 27 P.3d 66, 85 (2001) (“Evidence that does not rise to the level of legal insanity may, of course, be considered in evaluating . . . whether a killing is first or second-degree murder or manslaughter or some other argument regarding diminished capacity.”). But psychological diagnoses pose a risk of confusing or misleading the jury without expert testimony. As the district court stated in its ruling on the issue, although lay jurors may have heard of the diagnoses at issue in this case (depression, schizophrenia, and bipolar disorder), their understandings may not align with the clinical definitions. *See Adam Santeusanio, Lay Witness Opinion Testimony on Mental State & Depression: A Call for Reform*, 38 U. Ark. Little Rock L. Rev. 477, 485-88 (2016) (arguing that courts should not embrace the societal misuse of psychological condition terminology including depression, schizophrenia, and bipolar disorder and that such terms may confuse a jury). The risk of misleading the jury by admitting the diagnoses can reasonably be said to have substantially outweighed its probative value unless accompanied by expert testimony. *See* NRS 48.035(1). Martin failed to present expert testimony to mitigate that risk, so the district court did not abuse its discretion in redacting the diagnoses. *See Nauri v. State*, 670 P.2d 126, 131 (Okla. Crim. App. 1983) (upholding trial court’s decision to redact mental

diagnoses by non-testifying medical personnel from hospital records based on the complex nature of mental diagnoses).

*The district court did not abuse its discretion in denying the motion to sever*

Martin argues that the district court erred by denying his motion to sever the arson and animal cruelty counts from the rest of the counts because they were not connected to the murder, and having a child's and dog's death in the same trial creates extreme prejudice. Joinder decisions are reviewed for an abuse of discretion. *Robins v. State*, 106 Nev. 611, 619, 798 P.2d 558, 563 (1990).

NRS 173.115(1)(b) provides that offenses may be joined when they constitute parts of a "common scheme." Offenses constitute parts of a "common scheme" when they "share such a concurrence of common features as to support the inference that they were committed pursuant to a common design." *Farmer v. State*, 133 Nev. 693, 699, 405 P.3d 114, 121 (2017). Relevant factors include: "(1) degree of similarity of offenses, (2) degree of similarity of victims, (3) temporal proximity, (4) physical proximity, (5) number of victims, and (6) other context-specific features." *Id.* (internal citations omitted). "No one fact is dispositive, and each may be assessed different weight depending on the circumstances." *Id.* at 699-700, 405 P.3d at 121. Even when offenses are otherwise properly joined, a district court may sever them if the defendant or the State is unduly prejudiced by the joinder. NRS 174.165(1). To justify severance, "[t]he defendant must demonstrate to the district court that the joinder would be unfairly prejudicial; this requires more than a mere showing that severance may improve his or her chances for acquittal." *Rimer v. State*, 131 Nev. 307, 323, 351 P.3d 697, 709 (2015). But "[t]o require severance, the defendant must demonstrate that a joint trial would be manifestly prejudicial" such that

“[t]he simultaneous trial of the offenses [would] render the trial fundamentally unfair.” *Id.* at 323-24, 351 P.3d at 709 (quoting *Honeycutt v. State*, 118 Nev. 660, 667-68, 56 P.3d 362, 367 (2002), *overruled on other grounds by Carter v. State*, 121 Nev. 759, 765, 121 P.3d 592, 596 (2005))).

In considering whether the arson, animal cruelty, and murder were part of a common scheme, the temporal and physical proximity factors are particularly relevant as each offense occurred at the same apartment building within the span of a few minutes. Moreover, the victims all shared a connection to Poole: Poole herself, Poole’s daughter, and Poole’s dog. Martin’s statements support that he made an intentional choice to punish Poole for her alleged infidelity. The district court accordingly did not err in joining the arson, animal cruelty, and murder offenses as they were adequately shown to have constituted part of a common scheme. Next, Martin has not shown the district court abused its discretion by later denying his request to sever the arson and animal cruelty charges. Martin points to the inflammatory nature of the murder and animal cruelty charges, but “there is no compelling prejudice where both sets of charges are inflammatory.” *United States v. Blake*, 868 F.3d 960, 969 (11th Cir. 2017). The district court did not abuse its discretion in denying Martin’s motion to sever counts.

*Martin’s sentence neither violates the Eighth Amendment nor amounts to an abuse of discretion*

Martin argues that his sentence of 49.5 years to life, likely to be an effective life sentence, was cruel and unusual and an abuse of discretion given that he has a history of mental illness and no prior criminal history. Sentencing decisions are generally reviewed for an abuse of discretion. *Cocking v. State*, 141 Nev., Adv. Op. 21, 567 P.3d 348, 354 (2025).

Constitutional issues, however, present questions of law reviewed de novo. *Valdez-Jimenez v. Eighth Jud. Dist. Ct.*, 136 Nev. 155, 161, 460 P.3d 976, 984 (2020).

The Eighth Amendment of the U.S. Constitution prohibits cruel and unusual punishment. U.S. Const. amend. VIII. “Regardless of its severity, a sentence that is within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.’” *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 489 (2009) (quoting *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996)). Martin does not assert that he was sentenced outside of statutory limits or that any of the statutes under which he was sentenced are unconstitutional, and his sentence falls far short of the bar required for it to be so unreasonably disproportionate as to shock the conscience. A jury convicted Martin of thirteen counts, including first-degree murder, and an effective life sentence is a constitutionally acceptable result in such circumstances. *See, e.g., State v. Bronson*, 423 S.E.2d 772, 780 (N.C. 1992) (“[N]either imposition of a life sentence nor imposition of consecutive life sentences for first-degree murder constitutes cruel and unusual punishment.”). Nor does the Constitution bar imposing a life sentence on a defendant with mental illness. *See State v. Moen*, 422 P.3d 930, 938 (Wash. Ct. App. 2018) (citing cases declining to extend prohibition on life sentences for juveniles or on death penalty for those with intellectual disabilities to prohibit life sentences for those with mental illness). Martin’s sentence does not violate the Eighth Amendment.

The district court did not otherwise abuse its discretion in sentencing Martin. “A sentencing judge is allowed wide discretion in

imposing a sentence; absent an abuse of discretion, the district court's determination will not be disturbed on appeal." *Randell v. State*, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). In Nevada, the maximum length of imprisonment for first-degree murder is life without the possibility of parole. NRS 200.030(4)(b)(1). Though the district court did not go so far, it did impose a significant sentence. Nonetheless, the record shows that it properly weighed both the mitigating and the aggravating factors in doing so. Martin had mental health issues that mitigated his culpability to an extent, but the facts of this case were extraordinary in the amount of harm that he caused. He has not shown that the district court abused its wide discretion.

*The district court did not abuse its discretion in admitting the 911 call*

Martin argues that the district court abused its discretion in admitting Poole's 911 call to police because it was highly prejudicial and introduced simply to evoke sympathy. He further contends any relevant information in that call was available from other sources, and its limited probative value was substantially outweighed by the danger of unfair prejudice. A district court's decision to admit evidence is reviewed for an abuse of discretion. *Mclellan v. State*, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008).

Emergency calls, especially in murder trials, are prejudicial by nature. People seldom dial 911 when they are having a good day. However, such calls will nevertheless often be admissible because "911 telephone calls can be highly probative evidence considering that these telephone calls are often made during or immediately following the criminal events that are being reported." Stuart D. Murray, Annotation, *Admissibility of Tape*

*Recording or Transcript of “911” Emergency Telephone Call*, 3 A.L.R.5th 784 § 2[a], Westlaw (database updated 2025). Poole’s call was no different.

Poole called 911 shortly after Martin threw London from the balcony, and in that call, Poole describes Martin’s actions and London’s condition, thereby giving a first-hand account of the facts underlying the crime. In addition to being an independently probative piece of evidence providing details establishing the elements of the murder and its location, the call also corroborated testimony made at trial. *See United States v. Thompson*, No. 24-1513-cr, 2025 WL 843296, at \*2 (2d Cir. Mar. 18, 2025) (Summary Order) (holding that 911 call was probative despite government having testimony as to the same facts because “the call was a contemporaneous piece of evidence that supported the government’s chronology and corroborated the testimony of the government’s witnesses”). Of note here, the call’s probative value was not entirely one-sided where Poole stated that Martin had been having mental issues, aiding Martin’s defense theory that his poor mental health prevented him from forming the requisite intent for first-degree murder.

Furthermore, the call was not unfairly prejudicial. Poole’s pleas were mostly in the background of the audio and less audible after she passed the phone three minutes into the call. Though it may have had some prejudicial effect, on balance, Martin has not shown that the probative value of the call was “*substantially outweighed* by the danger of unfair prejudice.” NRS 48.035(1) (emphasis added); *see In re Commitment of Cordova*, 618 S.W.3d 904, 922 (Tex. App. 2021) (“Although we recognize that the 911 call contained emotional pleas for help, we conclude that the emotion and content of the call was not of the sort to amount to unfair prejudice such that it would prompt a jury to decide the case on an improper

basis.”). The district court did not abuse its discretion in admitting the 911 call.

Accordingly, we

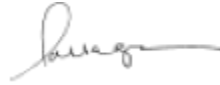
ORDER the judgment of the district court AFFIRMED.



Herndon, C.J.



Pickering, J.



Parraguirre, J.

cc: Hon. Carli Lynn Kierny, District Judge  
Law Office of Betsy Allen  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk