

1 this matter as well as Appellant's forthcoming appeal arising from his conviction
2 on a severed charge that is now joined with the convictions at issue here in a
3 single, amended judgment of conviction.
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5 DATED this 11th day of March, 2022.

6 Nancy Lemcke Law, LLC
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8
9 By /s/ Nancy L. Lemcke
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16 Attorney for Defendant/Appellant
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18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 On the morning of March 8, 2020, Appellant filed his Opening Brief in the
20 instant matter. Shortly thereafter, counsel requested leave pursuant to NRAP 27 to
21 file an Amended Opening Brief to correct errors in the initial submission. Later
22 that afternoon, counsel received notice that the District Court filed an Amended
23 Judgment of Conviction (JOC) in the instant matter. The Amended JOC added an
24 offense on which Appellant was recently convicted and sentenced; that charge had
25 been severed from the offenses at issue in the instant briefing submission.
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1 Appellant was originally charged with several theft-related offenses as well
2 as Attempt Murder With Use of a Deadly Weapon and Battery With Substantial
3 Bodily Harm. After the District Court granted defense counsel's motion to sever
4 the Attempt Murder/Battery charges from the theft-related offenses, Appellant
5 proceeded to trial on the theft charges. He was convicted on all but two of those
6 offenses. Following his sentencing, the District Court filed a Judgment of
7 Conviction reflecting Appellant's convictions and corresponding sentences. Trial
8 counsel then filed a timely Notice of Appeal.

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12 Not long after, trial counsel withdrew from the Appellant's case – both the
13 instant appeal as well as the severed Attempt Murder/Battery charges. The
14 undersigned counsel was appointed to represent Appellant here; Jason Margolis,
15 Esq. was appointed to represent Appellant on the severed counts. While briefing
16 on the instant matter was pending, Appellant proceeded to trial on the Attempt
17 Murder/Battery charges. A jury convicted Appellant of Battery With Substantial
18 Bodily Harm. Following his sentencing on that offense, the District Court
19 amended Appellant's original JOC – the one from which the instant matter derives
20 – to include the conviction and sentence from his second trial.

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25 Appellant now requests leave to file a Supplemental Appendix containing
26 the Amended Judgment of Conviction along with a (Second) Amended Opening
27 Brief referencing the Amended JOC. Appellant further requests that this
28 Honorable Court provide instruction as to how to proceed with briefing on the

1 instant charges as well as severed charge given that they derive from the same
2 District Court case and are now incorporated into a single Amended JOC.
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4 Specifically, Appellant requests that this Honorable Court provide instruction as to
5 whether Appellant should submit separate briefing on each matter or consolidate
6 both into a single submission.
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8 Respectfully submitted,
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11 By: /s/ Nancy M. Lemcke
12 NANCY M. LEMCKE, #5416
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14 **CERTIFICATE OF SERVICE**

15 I hereby certify that this document was filed electronically with the
16 Nevada Supreme Court on the 11th day of March, 2022. Electronic Service of the
17 foregoing document shall be made in accordance with the Master Service List as
18 follows:
19

20
21 I further certify that I served a copy of this document by mailing a
22 true and correct copy thereof, postage pre-paid, addressed to:
23

24 ANDREW YOUNG, ##92511
25 High Desert State Prison
26 P.O. Box 650
27 Indian Springs, NV 89018
28

BY /s/ Nancy Lemcke
Employee, Nancy Lemcke Law, LLC