

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3 ANDREW YOUNG,)
 4)
 5 Appellant,)
 6 vs.)
 7)
 8 THE STATE OF NEVADA,)
 9 Respondent.)
 10 _____

NO. 83243
 Electronically Filed
 Mar 28 2022 04:55 p.m.
 Elizabeth A. Brown
 Clerk of Supreme Court

11 **APPELLANT’S RENEWED MOTION FOR LEAVE TO FILE A**
 12 **SUPPLEMENTAL APPENDIX AND A SECOND AMENDED BRIEF; AND**
 13 **REQUEST FOR INSTRUCTION AS TO HOW TO PROCEED WITH**
 14 **BRIEFING ON SEVERED CHARGES**

15 Comes now Appellant ANDREW YOUNG, by and through his counsel,
 16 NANCY M. LEMCKE, and moves this Honorable Court for leave to file a
 17 Supplemental Appendix as well as a Second Amended Opening Brief; and for
 18 instruction from this Honorable Court as to how to proceed with briefing on both

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1 this matter as well as Appellant’s appeal (Nevada Supreme Court Case No. 84412)
2 arising from his conviction on a severed charge that is now joined with the
3 convictions at issue here in a single, amended judgment of conviction.
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5 DATED this 28th day of March, 2022.

6 Nancy Lemcke Law, LLC
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9 By /s/ Nancy L. Lemcke
10 NANCY L. LEMCKE, #5416
11 Nancy Lemcke Law, LLC
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14 (702) 902-6691
15 Nancy.Lemcke@LemckeLawLV.com
16 Attorney for Defendant/Appellant

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 Appellant was originally charged with several theft-related offenses as well
19 as Attempt Murder With Use of a Deadly Weapon and Battery With Use of a
20 Deadly Weapon Resulting in Substantial Bodily Harm (hereinafter the “Attempt
21 Murder/Battery charges”). After the District Court granted defense counsel’s
22 motion to sever the Attempt Murder/Battery charges from the theft-related
23 offenses, Appellant proceeded to trial on the theft charges. He was convicted on
24 all but two of those offenses. Following his sentencing, the District Court filed a
25 Judgment of Conviction reflecting Appellant’s convictions and corresponding
26 sentences. Trial counsel then filed a timely Notice of Appeal.
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1 Not long after, trial counsel withdrew from the Appellant's case – both the
2 instant appeal as well as the severed Attempt Murder/Battery charges. The
3 undersigned counsel was appointed to represent Appellant here; Jason Margolis,
4 Esq. was appointed to represent Appellant on the severed counts. While briefing
5 on the instant matter was pending, Appellant proceeded to trial on the Attempt
6 Murder/Battery charges. A jury convicted Appellant of Battery With Use of a
7 Deadly Weapon Resulting in Substantial Bodily Harm.
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11 On the morning of March 8, 2020, Appellant filed his Opening Brief in the
12 instant matter. Shortly thereafter, counsel requested leave pursuant to NRAP 27 to
13 file an Amended Opening Brief to correct errors in the initial submission. Later
14 that afternoon, counsel received notice that the District Court filed an Amended
15 Judgment of Conviction (JOC) in the instant matter. The Amended JOC added
16 Appellant's Battery With Use of a Deadly Weapon Resulting in Substantial Bodily
17 Harm conviction and sentence.
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21 Appellant then requested leave of this Honorable Court to file a
22 Supplemental Appendix containing the Amended Judgment of Conviction along
23 with a (Second) Amended Opening Brief updating the procedural history of the
24 case. Appellant further requested that this Honorable Court provide instruction as
25 to how to proceed with briefing on the instant charges as well as severed charge
26 given that they derive from the same District Court case and are now incorporated
27 into a single Amended JOC. Specifically, Appellant requested instruction as to
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1 whether Appellant should submit separate briefing on each matter or consolidate
2 both into a single submission.
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4 On March 15, 2022, this Honorable Court issued an Order denying that
5 request, explaining that “Appellant has not filed a notice of appeal from the
6 amended judgment of conviction, and the amended judgment of conviction is not
7 before this court.” Order, p. 1-2. On March 21, 2022, Appellant (through counsel
8 Jason Margolis, Esq.) filed his Notice of Appeal from the Amended JOC. That
9 matter is currently pending before this Honorable Court as Case No. 84412.
10 Accordingly, Appellant now renews his request for instruction from this
11 Honorable Court as to how to proceed with briefing on the dual appeals deriving
12 from the same, Amended JOC. Even if this Honorable Court prefers separate
13 briefing, Appellant requests leave to file a Supplemental Appendix containing the
14 Amended JOC and a Second Amended Opening Brief in which Appellant can
15 update the procedural history of the case.
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21 Respectfully submitted,

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23 By: /s/ Nancy M. Lemcke
24 NANCY M. LEMCKE, #5416
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 28th day of March, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

- AARON D. FORD
- NANCY L. LEMCKE
- ALEXANDER CHEN

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

ANDREW YOUNG, ##92511
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89018

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