

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW YOUNG,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

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Jul 06 2022 10:00 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 83243

**MOTION TO TRANSMIT EXHIBITS AND
THE PRESENTENCE INVESTIGATION REPORT**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, JOHN AFSHAR, and under Nevada Rules of Appellate Procedure 30(b)(6), 30(d), and 10(b)(1), respectfully requests this court to direct the district court to send the Presentence Investigation Report (hereinafter "PSI) and State's Exhibits 1 and 3, 4, 5, 6, 9, 12, and 13 to this Court for reaching a decision of the issues on appeal.

This Motion is based upon the following Memorandum and all papers and pleadings on filed herein.

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Dated this 6th day of July, 2022.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ John Afshar*

JOHN AFSHAR
Deputy District Attorney
Nevada Bar #014408
Office of the Clark County District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 30(d) of the Nevada Rules of Appellate Procedure allows the inclusion of copies of relevant and necessary exhibits in an appendix. However, if an exhibit cannot be reproduced, a party may:

...file a motion requesting the Supreme Court to direct the district court clerk to transmit the original exhibits. The Supreme Court will not permit the transmittal of original exhibits except upon a showing that the exhibits are relevant to the issues raised on appeal, and that the Supreme Court’s review of the original exhibits is necessary to the determination of the issue.

NRAP 30(d).

In his Opening Brief, Andrew Young (hereinafter “Young”) argues there was insufficient evidence regarding his identification and his intent upon entering the businesses. State’s Exhibits 1 and 3, 4, 5, 6, 9, 12, and 13 are videos the jury considered when it identified and decided to convict Young.

Respondent asks that this Court direct the District Court Clerk’s office to

transmit State's Exhibit 1, which consists of surveillance footage depicting Young's crimes at the Rampart Casino. State's Exhibit 3 consists of surveillance footage depicting Young's crimes at the Walmart located on East Serene Avenue. State's Exhibit 4 is body camera footage from an officer who cited Young. State's Exhibit 5 is surveillance footage depicting Young's crimes at the Caesar's Hotel and Casino. State's Exhibit 6 is surveillance footage depicting Young's crimes at an Albertsons. State's Exhibit 9 is surveillance footage depicting Young's crimes at the Flamingo Hotel and Casino. State's Exhibit 12 is surveillance footage depicting Young's crimes at the Walmart located on Boulder Highway. State's Exhibit 13 is surveillance footage depicting Young's crimes at the Suncoast Hotel and Casino.

This Court would benefit from watching the videos to understand Appellant's actions and intent which the jury watched when coming to their verdict. Accordingly, this Court should direct the district court to transmit State's Exhibits 1 and 3, 4, 5, 6, 9, 12, and 13 for this Court's review in solving the issues on appeal.

Furthermore, the State also requests this Court direct the District Court Clerk's office to transmit the PSI. The State has utilized the PSI in its Respondent's Appellate Brief when responding to claims 9 and 10. Therefore, the State requests this Court direct the district court clerk to transmit the PSI to this Court, in a sealed envelope, so that this Court may confirm that the reference in the Answering Brief is accurate.

CONCLUSION

For the reasons above, the State respectfully requests the Court to order the District Court Clerk's Office to transmit the PSI and State's Exhibits 1 and 3, 4, 5, 6, 9, 12, and 13

Dated this 6th day of July, 2022.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ John Afshar*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on July 6, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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JOHN AFSHAR
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/s/ E. Davis

Employee, Clark County
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