

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53859

FILED

SEP 10 2009

ORDER DENYING MOTION

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

This appeal is subject to the provisions of Nevada Rule of Appellate Procedure 3C. On August 19, 2009, appellant filed a motion requesting the transmission of original exhibits to this court. Appellant specifically requests the transmission of documents that were proffered by his counsel during trial and numerous photographs. Appellant's counsel has failed to demonstrate that she is not capable of reproducing the documents or photographs for inclusion in an appendix or that this court's review of the original documents and photographs, rather than photocopies of the documents and photographs, is necessary for this court's determination of the issues raised on appeal. NRAP 30(d). Accordingly, we deny the motion to transmit original exhibits. Appellant shall have 20 days from the date of this order to file a supplemental appendix that contains copies of the documents and photographs necessary for this court's review of the issues raised on appeal.

It is so ORDERED.

1 [Signature], C.J.

cc: Special Public Defender David M. Schieck
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger