IN THE SUPREME COURT OF THE STATE OF NEVADA 1 2 3 GUILLERMO RENTERIO-NOVOA, **Electronically Filed** 4 Jul 19 2013 09:25 a.m. 5 Tracie K. Lindeman Appellant, Case NGlerkof Supreme Court 6 VS. 8 THE STATE OF NEVADA, 9 Respondent. 10 11 MOTION REQUESTING TRANSMITTAL OF AN EXHIBIT 12 **PURSUANT TO NRAP 30(d)** 13 COMES NOW Appellant, GUILLERMO RENTERIO-NOVOA, by 14 and through his attorney, NANCY L. LEMCKE, Deputy Public Defender, and 15 16 pursuant to Nevada Rules of Appellate Procedure 30(d) and 10(b)(1) asks this 17 Court to direct the District Court to send Exhibit 27 to the Court to be used when 18 19 reaching a decision on the issues on appeal. 20 This Motion is based upon the following Memorandum and all papers 21 and pleadings on file herein. 22 23 DATED THIS 18th day of July, 2013. 24 PHILIP J. KOHN 25 CLARK COUNTY PUBLIC DEFENDER 26 27 By:_ /s/ Nancy L. Lemcke

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NANCY L. LEMCKE, #5416

Deputy Public Defender

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 30(d) of the Nevada Rules of Appellate Procedure allows an appellant to include copies of relevant and necessary exhibits in the appendix. However, if an exhibit is not able to 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).

Defendant asks that this Court direct the District Court Clerk's office to transmit State's Exhibit 27 for this Honorable Court's review. State's Exhibit 27 contains the audio recording of Appellant's statement to interrogating detectives. Appellant is challenging the lower court's refusal to suppress that statement as involuntary and obtained in violation of his *Miranda* rights. Accordingly, the recorded statement contained in Exhibit 27 will be necessary for this Court's adjudication of the instant matter.

DATED this 18th day of July, 2013.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Nancy L. Lemcke

NANCY L. LEMCKE, #5416

Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 18th day of July, 2013. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO

NANCY L. LEMCKE HOWARD S. BROOKS

STEVEN S. OWENS

I further certify that I served a copy of this document by mailing a

true and correct copy thereof, postage pre-paid, addressed to:

GUILLERMO RENTERIO-NOVOA NDOC No. 1092343 c/o High Desert State Prison P.O. Box 650 Indian Springs, NV 89018

BY <u>/s/ Carrie M. Connolly</u>
Employee, Clark County Public
Defender's Office