

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICKIE SLAUGHTER,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

CASE NO:

61991
Electronically Filed
Oct 10 2013 04:06 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION REQUESTING TRANSMITTAL OF EXHIBITS
PURSUANT TO NRAP 30(d)**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, RYAN J. MACDONALD, and pursuant to Nevada Rules of Appellate Procedure 30(d) and 10(b)(1) asks this Court to direct the District Court to send State's Exhibits 112, 132, and 132a to the Court to be used when reaching a decision on the issues on appeal.

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

Dated this 10th day of October, 2013.

Respectfully submitted,

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

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD
Deputy District Attorney
Nevada Bar #12615
Attorney for Respondent

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).

Respondent asks that this Court direct the District Court Clerk's Office to transmit State's Exhibits 112, 132, and 132a, which are the DVD of the security video from the 7-Eleven store that was played for the jury at trial. The Defendant is contesting the admission of this video, including what the video purports to show. Further, Defendant contends that the probative value is substantially outweighed by the danger of unfair prejudice. The video cannot be transcribed because it does not contain any audio; further any audio would not be relevant to the issues on appeal. Therefore, the nature of the video in the context of the issues raised on appeal militates to this Court's review of the original exhibits. NRAP 30(d).

CONCLUSION

Based upon the foregoing, the State respectfully requests the Court to order the District Court Clerk's Office to transmit State's Exhibits 112, 132, and 132a.

Dated this 10th day of October, 2013.

Respectfully submitted,

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

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD
Deputy District Attorney
Nevada Bar #12615
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with

the Nevada Supreme Court on October 10, 2013. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO
Nevada Attorney General

WILLIAM H. GAMAGE, ESQ.
Counsel for Appellant

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BY /s/ eileen davis
Employee, District Attorney's Office

RJM/Sarah Killer/ed