

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64135

FILED

APR 02 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malme*
DEPUTY CLERK

*ORDER GRANTING MOTION FOR TRANSMISSION OF AN ORIGINAL
EXHIBIT AND ORDER TO SHOW CAUSE*

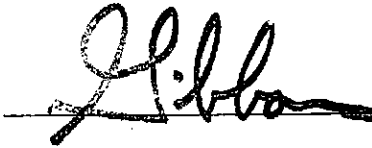
Appellant has filed a motion asking this court to direct the district court clerk to transmit an original district court exhibit, described as a DVD of the victim's interview with police. In support of the motion, appellant states only that transmission of the original exhibit is necessary because the opening brief references the recording.

A motion requesting the transmission of an original exhibit must demonstrate the exhibit's relevance to the issues raised on appeal and that this court's review of the original exhibit is necessary for resolution of the issues raised on appeal. NRAP 30(d). Appellant's motion fails to make such a showing. Nevertheless, because it appears that the original exhibit is relevant to appellant's claim that insufficient evidence supports his conviction, we grant the motion. The clerk of the district court shall have 20 days from the date of this order to transmit to this court State's Exhibit 2 (identified as "CD-Interview/Video") to the clerk of this court.

Appellant's motion indicates that a transcript of the victim's interview is included in the appendix. Our review of that transcript reveals that it does not bear the district court clerk's file-stamp, *see* NRAP

30(c)(1), and there is no indication that the transcript was admitted into evidence and made part of the trial court record, see NRAP 10(a). It therefore appears that the transcript is not appropriate for inclusion in the appendix and consideration by this court on appeal. See NRAP 10(b)(1); *Carson Ready Mix v. First Nat'l Bk.*, 97 Nev. 474, 635 P.2d 276 (1981). Accordingly, appellant shall have 20 days from the date of this order to show cause why the transcript, included as pages 5-13 of the appendix, should not be struck from the appendix.

It is so ORDERED.

 _____, C.J.

cc: Las Vegas Defense Group, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk