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3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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Electronically Filed
Jan 07 2014 09:56 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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6
7 **ERNESTO MANUEL GONZALEZ,**

CASE NO. 64249

8 Appellant.

9 v.

10 **THE STATE OF NEVADA,**

11 Respondent.
12 /

REQUEST FOR TRANSCRIPTS OF PROCEEDINGS

13 To: Captions Unlimited, Official Court Reporter for the Second Judicial
14 District of the State of Nevada, Department 4,

15 Appellant requests preparation of transcripts of the proceedings before the
16 District Court, in accordance with the Motion for Trial Transcript and Court File
17 Copies at Public Expense, filed on October 15, 2013 and attached herewith.

18 **DATED** this 11 day of Dec, 2013.

19
20 **LAW OFFICE OF DAVID R. HOUSTON**
432 Court Street
21 Reno, NV 89501

22
23 By: 

24 **David R. Houston**
Attorney for Appellant

CERTIFICATE OF SERVICE

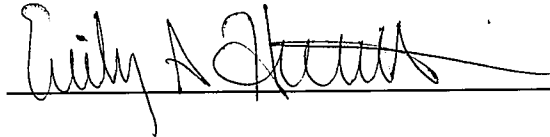
Pursuant to N.R.C.P. 5(b), I certify that I am an employee of David R. Houston, Esquire, and that on this date I caused an electronic filing with the Nevada Supreme Court a true and correct copy of the foregoing document, addressed to:

Captions Unlimited
Second Judicial District of the State of Nevada,
Department 4
75 Court Street, 4th Floor
Reno, NV 89501 (Hand-delivery)

Robert C. Bell, Esq.
20 Winter Street
Reno, NV 89503 (E-mail)

Washoe County District Attorney's Office
Appellate Division
1 S. Sierra St., 7th Floor
Reno, NV 89501 (E-file)

DATED this 1st day of Dec, 2013.



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INDEX OF EXHIBITS

1. Motion for Trial Transcript and Court File Copies at Public Expense filed
October 15, 2013 in the Second Judicial District Court

Exhibit 1

Exhibit 1

1 CODE 2230
2 David R. Houston, Esq.
3 State Bar #2131
4 432 Court St.
5 Reno, NV 89501
6 Attorney for Defendant

7 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF**
8 **NEVADA IN AND FOR THE COUNTY OF WASHOE**

9 STATE OF NEVADA,

Case No. CR11-1718B

10 Plaintiff,

Dept. No. 4

11 vs.

12 ERNESTO MANUEL GONZALEZ,

13 Defendant.
14 _____/

15 **MOTION FOR TRIAL TRANSCRIPT AND COURT FILE COPIES**
16 **AT PUBLIC EXPENSE**
17

18 **COMES NOW**, Defendant, Ernesto Manuel Gonzalez, and moves this
19 Honorable Court for an Order permitting the certified shorthand reporter actually
20 taking in transcribing the entire trial proceedings herein of:
21

22 July 22, 2013; July 23, 2013; July 24, 2013; July 25, 2013; July 29, 2013;
23 July 30, 2013; July 31, 2013; August 1, 2013; August 2, 2013; August 5, 2013;
24 August 6, 2013 and August 7, 2013, as well as any other days in which the jury
25 trial occurred which are not reflected herein, not inclusive of the portions of the
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1 jury trial that have already been transcribed and filed herein.

2 Additionally, Defendant seeks an Order permitting the certified shorthand
3
4 reporter actually taking and transcribing all pre-trial hearings on all pre-trial
5 motions, including the hearings of:

6 June 14, 2012; July 13, 2012; September 4, 2012; October 3, 2012 or
7
8 October 4, 2012; December 9, 2011; January 3, 2012; April 23, 2012; June 14,
9
10 2012; July 20, 2012; August 31, 2012; October 29, 2012 or October 30, 2012;
11 January 8, 2013; January 9, 2013; January 11, 2013; January 14, 2013; January 15,
12
13 2013; January 29, 2013; January 30, 2013; January 31, 2013; February 4, 2013;
14 February 5, 2013; February 22, 2013; February 29, 2013; March 11, 2013; March
15 12, 2013; April 5, 2013; May 3, 2013; June 19, 2013; July 18, 2013 and the
16
17 motions and sentencing hearing of October 3, 2013. Again, this request is not
18 include within its scope hearings that have already been transcribed.

19 The within Motion is brought pursuant to Widdis v. District Court, 114 Nev.
20
21 1224, 1228-30, 968 P.2d 1165 (1998) [defendant, who was charged with murder
22 and claims he is indigent, his entitled under statute authorizing payment of defense
23 services for criminal defendants to have the State provide reasonable necessary
24 defense services at public expense upon showing of indigency and need, even
25 though he retained private counsel].
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1 Mr. Gonzalez is indigent. The Court well knows that, in that he was
2 represented for a substantial period of time by the Washoe County Public
3 Defender's Office. The undersigned was appointed for purposes of processing
4 Appellant's appeal. If counsel is subsequently retained, it will be by third parties
5 who will not contemplate them paying for the trial transcript, sentencing
6 transcript, and transcripts of pre-trial hearings. These transcripts are essential for
7 the prosecution of this appeal.
8
9

10
11 The State must provide an indigent defendant with a transcript of prior
12 proceedings when the defendant needs the transcript for an effective direct appeal.
13
14 George v. State, 127 P.3d 1055, 1056-57 (Cal. 2006); See also: Britt v. North
15 Carolina, 404 U.S. 226, 92 S.Ct. 431 (1971). An indigent defendant's acceptance
16 of representation by private counsel provided by a third party does not affect the
17 defendant's indigency status as it pertains to the payment of trial transcripts. State
18 v. Breen, 100 Nev. 85, 86, 675 P.2d 996 (1984) [State's prohibition writ, to
19 require district court to allow recovery of cost for preparing trial transcripts from
20 third persons, denied].
21
22

23 For these reasons, then, this Honorable Court must grant the within Motion.
24
25 For the same reasons, Defendant requires copies all matters already filed in the
26 above - captioned case numbers, including all transcripts previously filed. Again,
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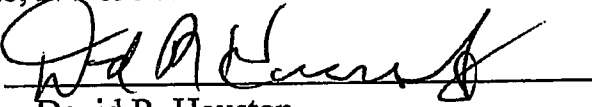
1 copies of all pleadings, orders and transcripts are absolutely necessary to the
2 prosecution of the within appeal.
3

4 This Motion contains no social security numbers.

5 DATED this 13 day of October, 2013
6

7 Respectfully submitted,

8 Law Office of David R. Houston
9 432 Court Street
10 Reno, NV 89501

11 By: 
12 David R. Houston
13 Attorney for Defendant
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DATED this 15th day of October, 2013

CERTIFICATE OF SERVICE

Karl Hall, Esq.
District Attorney's Office
One S. Sierra Street
4th Floor
Reno, NV 89501

DATED this 15th day of October, 2013


Emily A. Heavrin