

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

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4           ANTHONY CASTANEDA                   )

5                                   Appellant,                   )

6                                   v.                   )

7                                   )

8           THE STATE OF NEVADA,                   )

9                                   Respondent.                   )

10                                   )

No. 64515

Electronically Filed  
Jun 03 2014 08:44 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

11                   **MOTION REQUESTING TRANSMITTAL OF AN EXHIBIT**  
12                   **PURSUANT TO NRAP 30(d)**

13                   COMES NOW Appellant, ANTHONY CASTANEDA, by and through his  
14 attorney, AUDREY M. CONWAY, Deputy Public Defender, and pursuant to Nevada  
15 Rules of Appellate Procedure 30 (d) and 10 (b)(1), requests this Court to direct the  
16 District Court to send the following exhibit to the Court for consideration in evaluating  
17 the issues on appeal: State Exhibit 79: Audio Exhibit.  
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19  
20                   This Motion is based upon the following Memorandum and all papers and  
21 pleadings on file herein.

22                   DATED this 2<sup>nd</sup> day of June, 2014.

23  
24                   PHILIP J. KOHN  
25                   CLARK COUNTY PUBLIC DEFENDER

26                   By /s/ Audrey M. Conway  
27                   AUDREY M. CONWAY, #5612  
28                   Deputy Public Defender  
                  309 So. Third Street, Suite #226  
                  Las Vegas, Nevada 89155-2610  
                  (702) 455-4685

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   Rule 30(d) of the Nevada Rules of Appellate Procedure allows an appellant  
3 to include copies of relevant and necessary exhibits in the appendix. However, if an  
4 exhibit is not able to be reproduced, a party may:  
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6                                 .....file a motion requesting the Supreme Court to  
7 direct the district court clerk to transmit the original exhibits.  
8 The Supreme Court will not permit the transmittal of original  
9 exhibits except upon a showing that the exhibits are relevant  
10 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.

11 NRAP 30(d).

12                   Appellant asks that this Court direct the District Court Clerk's office to  
13 transmit to this Court District Court the following exhibit: State Exhibit 79: Audio  
14 Exhibit. This evidence is particularly crucial to the evaluation of Issues II and IV in the  
15 Opening Brief. The transmission of the evidence in this format is necessary as a  
16 transcription of this recording was not introduced to the lower court record.  
17  
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19   Respectfully submitted,

20   PHILIP J. KOHN  
21   CLARK COUNTY PUBLIC DEFENDER  
22

23  
24   By /s/ Audrey M. Conway  
25   AUDREY M. CONWAY, #5611  
26   Deputy Public Defender  
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CATHERINE CORTEZ MASTO	AUDREY M. CONWAY
STEVEN S. OWENS	HOWARD S. BROOKS

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