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DIPAK KANTILAL DESAI

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIPAK KANTILAL DESAI,)	
)	
Appellant,)	CASE NO. 64591
)	
vs.)	
)	
STATE OF NEVADA,)	
)	
Respondents.)	
_____)	

STATEMENT OF REASONS
FOR SCHEDULING ORAL ARGUMENT

Appellant, Dipak Kantilal Desai, by and through counsel, Franny A.

Forsman submits the following reasons supporting the need for oral argument in

this appeal.

At a seminar, the Chief Justice of this court suggested that counsel should provide reasons to the court why oral argument would assist in the resolution of the appeal. Accordingly, the following is offered in support of scheduling oral argument in this appeal.

This appeal is from a judgment which sentenced Appellant to life in prison. The prosecution was based on a novel theory of criminal liability: aiding and abetting the commission of reckless or negligent crimes which were used as the predicate for Second Degree Felony Murder. The issues raised on appeal include, *inter alia*, the burden of proof applicable under this theory, the applicability of the merger doctrine (which has only recently been clarified in Nevada but has not been applied at trial and reviewed on appeal), and the elements required in a Second Degree Felony Murder prosecution when the death and the action of the defendant are attenuated. Additionally, this appeal raises constitutional issues under the Confrontation clause when a surrogate coroner testifies and due process issues implicated when a competency evaluation is denied.

Several of the issues listed above are issues of first impression or are issues which are emerging in Nevada's jurisprudence, particularly with regard to the Second Degree Felony Murder doctrine.

Oral argument is warranted in this appeal due to the number and complexity of the issues raised, to the length of the sentence and due to the high degree of public interest in this case.

Dated this 22nd day of May, 2015.

Respectfully submitted,

LAW OFFICE OF FRANNY FORSMAN PLLC

/s/ Franny A. Forsman

Franny A. Forsman

Attorney for Appellant Dipak Kantilal Desai

CERTIFICATE OF SERVICE

I hereby certify this document was filed electronically with the Nevada Supreme Court on May 22, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven B. Wolfson
Clark County District Attorney

Adam Paul Laxalt, Attorney General
State of Nevada

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/s/ Franny A. Forsman
Franny A. Forsman, Esq.