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Respondent.

Electronically Filed
Feb 23 2015 12:56 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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DATED this 23rd day of February, 2015.

By: /s/ Deborah L. Westbrook
DEBORAH L. WESTBROOK, #9285
Deputy Public Defender
309 South Third Street, #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
3
4 appellant to include copies of relevant and necessary exhibits in the appendix.

5 However, if an exhibit is not able to be reproduced,

6
7 the parties may file a motion requesting the Supreme Court to
8 direct the district court clerk to transmit the original exhibits.
9 The Supreme Court will not permit the transmittal of original
10 exhibits except upon a showing that the exhibits are relevant to
11 the issues raised on appeal, and that the Supreme Court's review
 of the original exhibits is necessary to the determination of the
 issues.

12 NRAP 30(d).

13
14 Appellant asks that this Court direct the District Court Clerk's office to
15 transmit State's Exhibit 25 for this Honorable Court's review. State's Exhibit
16 25 is the videotaped deposition of Marcia Petersen that was played for the
17 jury at trial in lieu of her live testimony after she committed suicide. Mr.
18 Farmer argues on appeal that the trial court erred when it granted the State's
19 motion to present Petersen's videotaped testimony at trial. In order to fully
20 evaluate the prejudicial impact of this video on the trial, it is necessary for
21 this Court to review the actual video that was shown to the jury. The video
22 reflects that during defense counsel's cross examination of Petersen, she had
23 a seizure which interrupted questioning and was prejudicial to the defense
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1 when shown to the jury. Mr. Farmer relies on this portion of the videotaped
2 deposition in his Opening Brief.
3

4 Therefore, Mr. Farmer requests that this Honorable Court direct the
5 Eighth Judicial District Court Clerk to transmit State's Exhibit 25 for this
6 Court's review.
7

8
9 Respectfully submitted,

10 PHILIP J. KOHN
11 CLARK COUNTY PUBLIC DEFENDER
12

13
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