1	IN THE SUPREME COURT OF THE STATE OF NEVADA
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3	STEVEN DALE FARMER, ) NO. 65935
4	Appellant, ) Electronically Filed Field Filed Filed Filed Feb 23 2015 12:56 p.m.
5	Tracie K. Lindeman
6 7	vs. ) Clerk of Supreme Codit
8	THE STATE OF NEVADA,
9	Respondent.
10	)
11	APPELLANT'S MOTION FOR TRANSMISSION
12	OF ORIGINAL EXHIBIT 25
13	Comes Now Appellant STEVEN DALE FARMER, by and through
14 15	Deputy Public Defender DEBORAH L. WESTBROOK, and moves for an
16	order directing the District Court Clerk to transmit State's Exhibit 25 to this
17	Honorable Court pursuant to NRAP 30(d) and 10(b)(2).
18	This Motion is based upon the following Memorandum and all papers
19 20	and pleadings on file herein.
21	
22	DATED this 23 <sup>rd</sup> day of February, 2015.
23	PHILIP J. KOHN
24	CLARK COUNTY PUBLIC DEFENDER
25	By: <u>/s/ Deborah L. Westbrook</u>
26	DEBORAH L. WESTBROOK, #9285 Deputy Public Defender
27	309 South Third Street, #226
28	Las Vegas, Nevada 89155-2610 (702) 455-4685
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Docket 65935 Document 2015-05729

## 1 **MEMORANDUM OF POINTS AND AUTHORITIES** 2 Rule 30(d) of the Nevada Rules of Appellate Procedure allows an 3 appellant to include copies of relevant and necessary exhibits in the appendix. 4 5 However, if an exhibit is not able to be reproduced, 6 the parties may file a motion requesting the Supreme Court to 7 direct the district court clerk to transmit the original exhibits. The Supreme Court will not permit the transmittal of original 8 exhibits except upon a showing that the exhibits are relevant to 9 the issues raised on appeal, and that the Supreme Court's review 10 of the original exhibits is necessary to the determination of the issues. 11 12 NRAP 30(d). 13 Appellant asks that this Court direct the District Court Clerk's office to 14 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 19 Farmer argues on appeal that the trial court erred when it granted the State's 20 motion to present Petersen's videotaped testimony at trial. In order to fully 21 evaluate the prejudicial impact of this video on the trial, it is necessary for 22 23 this Court to review the actual video that was shown to the jury. The video 24 reflects that during defense counsel's cross examination of Petersen, she had 25 26 a seizure which interrupted questioning and was prejudicial to the defense 27 28

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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	deposition in his Opening Diret.
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	Court's review.
8	
9	Respectfully submitted,
10	PHILIP J. KOHN
11	CLARK COUNTY PUBLIC DEFENDER
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13	
14	By: <u>/s/ Deborah L. Westbrook</u> DEBORAH L. WESTBROOK, #9285
15 16	Deputy Public Defender
17	309 South Third Street, #226 Las Vegas, Nevada 89155-2610
18	(702) 455-4685
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1	CERTIFICATE OF SERVICE
2	I hereby certify that this document was filed electronically with
3	the Nevada Supreme Court on the 23 <sup>rd</sup> day of February, 2015. Electronic
4	Service of the foregoing document shall be made in accordance with the
5	Master Service List as follows:
6	CATHERINE CORTEZ MASTO DEBORAH L. WESTBROOK
7	STEVEN S. OWENS HOWARD S. BROOKS
8	I further certify that I served a copy of this document by mailing
9	a true and a surrest a surrest management and addressed to t
10	a true and correct copy thereof, postage pre-paid, addressed to:
11	STEVEN DALE FARMER
12	NDOC No. 1121584 c/o Ely State Prison
13	P.O. Box 1989
14	Ely, NV 89301
15	
16	BY /s/ Carrie M. Connolly
17 18	Employee, Clark County Public
19	Defender's Office
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