

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

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3
4 MICHAEL ALAN LEE,

5 Appellant,

6 vs.

7 THE STATE OF NEVADA,

8 Respondent.
9

Electronically Filed
Feb 23 2016 03:09 p.m.
Tracie K. Lindeman
Case No. 66963
Clerk of Supreme Court

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

13 COMES NOW Appellant, MICHAEL ALAN LEE, by and through his
14 attorney, KEDRIC A. BASSETT, Deputy Public Defender, and pursuant to Nevada
15 Rules of Appellate Procedure 30(d) and 10(b)(1) asks this Court to direct the District
16 Court to send State's Exhibits 48-76 (Autopsy Photographs) to the Court to be used when
17 reaching a decision on the issues on appeal.

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19 This Motion is based upon the following Memorandum and all papers and
20 pleadings on file herein.

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22 DATED this 23rd day of February, 2016.

23 PHILIP J. KOHN
24 CLARK COUNTY PUBLIC DEFENDER

25
26 By /s/ Kedric A. Bassett
27 KEDRIC A. BASSETT, #4214
28 Deputy Public Defender

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
11 review of the original exhibits is necessary to the
12 determination of the issue.

13 NRAP 30(d).

14 Appellant asks that this Court direct the District Court Clerk's office to
15 transmit the State's Exhibits 48-76 (Autopsy Photographs) to the Court to be used when
16 reaching a decision on the issues in this appeal. This is important because State's
17 Exhibits 48-76 were the subject of a pre-trial Motion In Limine as well as a Motion for
18 Mistrial during the trial and a renewed motion for mistrial.

19 Appellant asks that this Honorable Court direct the District Court Clerk's
20 office to transmit the Exhibits as time is limited to produce the autopsy photographs as
21 well as the sensitive nature of the photographs.
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23 Respectfully submitted,

24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26 By /s/ Kedric A. Bassett
27 KEDRIC A. BASSETT
28 Deputy Public Defender

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ADAM LAXALT	KEDRIC A. BASSETT
STEVEN S. OWENS	HOWARD S. BROOKS

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