

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

2
3
4 LINDSIE NEWMAN,
 Appellant,

5 vs.

6 THE STATE OF NEVADA,
 Respondent.

 Case No. 67756
 67756
 Electronically Filed
 Apr 29 2016 02:47 p.m.
 Tracie K. Lindeman
 Clerk of Supreme Court

7 **MOTION TO REDACT NAME AND REISSUE OPINION**

8 Appellant, LINDSIE NEWMAN, through her court-appointed
9 counsel, Nevada State Public Defender KARIN L. KREIZENBECK, and Chief
10 Appellate Deputy Public Defender, SALLY DESOTO, moves this Court to
11 redact counsel's name from the written opinion issued on April 28, 2016, and
12 reissue published opinion.

13 This motion is made pursuant to NRAP 27 and is based on the
14 following Affidavit of Counsel.

15 DATED this 29th day of April, 2016.

16 KARIN L. KREIZENBECK
17 Nevada State Public Defender

18 /s/ SALLY DESOTO
19 Chief Appellate Deputy
20 Bar I.D No. 8790
 511 East Robinson Street, Suite 1
 Carson City, Nevada 89701
 (775) 684-1080

1 This Honorable Court issued a written opinion on April 28, 2016. On
2 page 4 of the opinion, the Court included a quoted colloquy in which defense
3 counsel's name is included. We now request that the court remove counsel's
4 name from the document and reissue the opinion.

5 Notably, it would appear that it has been the policy of this Court not to
6 supply trial counsel's name, even in cases where counsel is found to be
7 ineffective. *Rubio v. State*, 124 Nev. 1032, 194 P.3d 1224 (2008); *Browning v.*
8 *State*, 120 Nev. 347, 91 P.3d 39 (2004); *Thomas v. State*, 120 Nev. 37, 83 P.3d
9 818 (2004).

10 The inclusion of the attorney's name in the opinion is irrelevant to the
11 issue presented and the Court's decision. The inclusion of any attorney's name
12 could be constructed as if the Court were issuing a public censure in this case,
13 which does not appear to be the Court's intent.

14 Thus, we move this Court to redact counsel's name from the opinion and
15 reissue the opinion.

1
2
3 **AFFIDAVIT OF COUNSEL**

4 STATE OF NEVADA)

5 : SS

6 CARSON CITY)

7 SALLY DESOTO, being first duly sworn on oath, deposes and
8 says as follows:

9 1. I am the chief appellate deputy with the Nevada State Public
10 Defender, appointed counsel for the appellant.

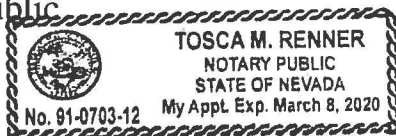
11 2. This motion is made on April 29th, 2016, one day following the
12 issuance of the opinion *Newman v. State*, Docket Nos. 67756 and 67763, and
13 thus, is as timely as practicable.

14 DATED this 29th day of April, 2016.

15 
SALLY DESOTO

16 SUBSCRIBED AND SWORN (or affirmed) to
17 by SALLY DESOTO before me this
18 29 day of April, 2016.

19 
Notary Public



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

Nevada Supreme Court on the 29th day of April, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

SALLY DESOTO
CHIEF APPELLATE DEPUTY PUBLIC DEFENDER

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

DATED this 29th day of April, 2016.

SIGNED: /s/ Tosca M. Renner
Employee of Nevada State Public Defender