

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

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3
4 TROY RICHARD WHITE,
5 Appellant,
6
7 vs.
8

9 THE STATE OF NEVADA,
10 Respondent.

Electronically Filed
Feb 23 2016 09:40 a.m.
Tracie K. Lindeman
Case No. 68632
Clerk of Supreme Court

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

13 COMES NOW Appellant, TROY RICHARD WHITE, by and through his
14 attorney, SCOTT L. COFFEE, Deputy Public Defender, and pursuant to Nevada Rules of
15 Appellate Procedure 30(d) and 10(b)(1) asks this Court to direct the District Court to
16 send the Defense's Exhibits OO and PP (CD's of voice messages left during the course
17 of various texts the state admitted and relied upon in their case in chief) to the Court to
18 be used when reaching a decision on the issues on appeal.

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

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23 DATED this 22nd day of February, 2016.

24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26
27 By /s/ Scott L. Coffee
28 SCOTT L. COFFEE, #5607
 Deputy Public Defender

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Rule 30(d) of the Nevada Rules of Appellate Procedure allows an appellant
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4 to include copies of relevant and necessary exhibits in the appendix. However, if an
5 exhibit is not able to be reproduced, a party may:

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.

11 NRAP 30(d).

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13 Defendant asks that this Court direct the District Court Clerk's office to
14 transmit the Defense Exhibits OO and PP to the Court to be used when reaching a
15 decision on the issues in this appeal. This is important because Exhibits OO and PP
16 rebut the State's claim that White had harbored some kind of long term plan to kill his
17 wife and the messages had been left during the course of various texts the state admitted
18 and relied upon in their case in chief. In the messages White's voice can be heard
19 breaking as he professes his desire to reconcile with Echo Lucas. The voice messages
20 provide the best evidence of White's state of mind in the hours leading up to the
21 shooting.
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24 Respectfully submitted,

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26 PHILIP J. KOHN
27 CLARK COUNTY PUBLIC DEFENDER

28 By /s/ Scott L. Coffee
 SCOTT L. COFFEE, #5607
 Deputy Public Defender

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ADAM LAXALT	SCOTT L. COFFEE
STEVEN S. OWENS	HOWARD S. BROOKS

TROY RICHARD WHITE
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