

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

LACY THOMAS,  
Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR CLARK  
COUNTY; THE HONORABLE  
MICHAEL VILLANI, DISTRICT  
JUDGE, DEPT. 17

Respondents,

and

THE STATE OF NEVADA  
Real Party In Interest

Electronically Filed  
Jan 11 2016 04:36 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

CASE NO: 69074

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

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, OFELIA L. MONJE, and pursuant to Nevada Rules of Appellate Procedure 30(d) asks this Court to direct the District Court to send Defense Exhibit G (during the jury trial) to the Court to be used when reaching a decision on the issues in the instant Petition for Writ of Mandamus.

This Motion is based upon the following Memorandum and all papers and pleadings on filed herein.

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Dated this 11<sup>th</sup> day of January, 2016.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY /s/ Ofelia L. Monje  
OFELIA L. MONJE  
Deputy District Attorney  
Nevada Bar #011663  
Office of the Clark County District Attorney

### **MEMORANDUM OF POINTS AND AUTHORITIES**

Rule 30(d) of the Nevada Rules of Appellate Procedure allows the inclusion of copies of relevant and necessary exhibits in an appendix. However, if an exhibit cannot be reproduced, a party may:

[F]ile a motion requesting the Supreme Court to direct the district court clerk to transmit the original exhibits. The Supreme Court will not permit the transmittal of original exhibits except upon a showing that the exhibits are relevant to the issues raised on appeal, and that the Supreme Court's review of the original exhibits is necessary to the determination of the issue.

NRAP 30(d).

Respondent asks that this Court direct the District Court Clerk's office to transmit Defense Exhibit G, which is the binder at issue in regards to the first issue presented in the Petition for Writ of Mandamus. The State has argued that the binder does not contain any exculpatory evidence related to charges related to ACS. The record on appeal only continuously talks about "the binder"; however, nowhere are

the contents adequately explained. The binder offers this Court an opportunity to view documents at issue in the instant Petition.

**CONCLUSION**

Based upon the foregoing, the State respectfully requests the Court to order the District Court Clerk's Office to transmit Defense Exhibit G.

Dated this 11<sup>th</sup> day of January, 2016.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY */s/ Ofelia L. Monje*

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OFELIA L. MONJE  
Deputy District Attorney  
Nevada Bar #011663  
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Regional Justice Center  
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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 11, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT  
Nevada Attorney General

FRANNY FORSMAN, ESQ.  
DANIEL J. ALBREGTS, ESQ.  
Counsels for Appellant

OFELIA L. MONJE  
Deputy District Attorney

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

JUDGE MICHAEL VILLANI  
Eighth Judicial District Court, Dept. 17  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89101

BY */s/ E. Davis*

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Employee, District Attorney's Office