

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

LACY L. 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  
Feb 01 2016 04:40 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

CASE NO: 69074

**MOTION REQUESTING TO AMEND THE RESPONDENT'S APPENDIX  
PURSUANT TO NRAP 30(d)**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, OFELIA MONJE, and pursuant to Nevada Rules of Appellate Procedure 30(d) asks for permission to amend the Respondent's Appendix so that the State may include Defense Exhibit G (during the jury trial) to its appendix so that this Court may review it 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 1<sup>st</sup> day of February, 2016.

Respectfully submitted,

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

BY /s/ Ofelia Monje  
OFELIA 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. On January 27, 2016, the Court denied the State's Motion to Transmit Defense Exhibit G as the State failed to explain why the contents of the binder could not be included in its appendix. Accordingly, the State obtained a certified copy from the court clerk and moves this Court for permission to amend its appendix and include the contents of the binder in question. The State argued in its Answer that the documents were not Brady material and the State submits that the documents are relevant to the issues raised in the petition for writ of mandamus.

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**CONCLUSION**

Based upon the foregoing, the State respectfully requests the Court to allow the State to amend its appendix and include the contents of the binder in question.

Dated this 1<sup>st</sup> day of February, 2016.

Respectfully submitted,

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

BY */s/ Ofelia Monje*

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OFELIA MONJE  
Deputy District Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on February 1, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

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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  
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BY */s/ E. Davis*

\_\_\_\_\_  
Employee, District Attorney's Office