

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Nevada Rules of Appellate Procedure allow John to include copies of
3 relevant and necessary exhibits and documents in his appendix. NRAP 10 (a);
4 NRAP 10(b)(2); NRAP 30(d).
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6 But “[i]f the exhibits are...otherwise incapable of being reproduced in the
7 appendix,” Afzali may “file a motion requesting the court to direct the district
8 court clerk to transmit the original exhibits...” NRAP 30(d); NRAP 27.
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10 Court will permit transmittal of original exhibits or documents upon a
11 showing of good cause that exhibits are relevant to issues raised on appeal and that
12 “court’s review of the original exhibits is necessary to the determination of the
13 issue.” NRAP 30(d).
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15 Defendant asks this Court direct the Eighth Judicial District Court Clerk’s
16 office to transmit sealed documents filed in competency proceedings in C-14-
17 302450-1 to this Court to be used during the review of the appeal.
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19 It is important for Court to review these sealed documents because John
20 relies on them and cites to them in his Opening Brief in Issues VII and IX. These
21 documents are mental health evaluations commonly used in competency
22 proceedings. The documents are:
23

- 24 • Request for evaluation dated 12/01/14 and signed by judge on 12/01/14.
- 25 • Cover-sheet and report prepared by C. Philip Colosimo, Ph.D., dated
26 12/14/14.
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- Cover-sheet and report prepared by Dr. Slagle dated 12/20/14.
- Cover-sheet and report prepared by Lawrence Kapel, Ph.D., dated 01/07/15.
- Request for evaluation dated 04/16/15 and signed by judge on 04/16/15.
- Cover-sheet and report prepared by Mark Chambers, Ph.D., dated 04/28/15.
- Cover-sheet and report prepared by Gary Lenkeit, Ph.D., dated 05/11/15.
- Letter dated 12/02/15 from Dr. Neighbors, Director at Lake’s Crossing, and accompanying evaluations from: H. Hale Henson, M.D., Debbie Fletcher, Ph.D., and Ruth Ann Wright, Ph.D.

John relied on these documents for his analysis on Issue VIII and IX to argue his constitutional rights were violated by the delay in transporting him to Lake’s Crossing and court erred at the first competency hearing when finding him competent.

DATED this 9th day of February, 2017.

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CLARK COUNTY PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 27th day of January, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT	SHARON G. DICKINSON
STEVEN S. OWENS	HOWARD S. BROOKS

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

JOHN DEMON MORGAN
NDOC No. 1158013
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

BY /s/ Carrie M. Connolly
Employee, Clark County Public
Defender's Office