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

TROY MULLNER

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.Ct. No. 71030

D.C. No. C283463

Electronically Filed  
Mar 06 2017 11:41 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO DIRECT THE DISTRICT COURT TO TRANSMIT  
APPELLANT'S PRESENTENCE INVESTIGATION REPORT TO THE  
SUPREME COURT OF NEVADA**

COMES NOW Appellant, TROY MULLNER, by and through his counsel in this matter, JEAN J. SCHWARTZER, ESQ., and moves this Court for an order directing the clerk of the District Court to transmit Appellant's Presentence Investigation Report to the clerk of the Supreme Court of Nevada in a sealed envelope. This motion is based upon the following memorandum and all papers and pleadings on file herein.

Dated this 6<sup>th</sup> day of March, 2017.

Respectfully submitted,

/s/ Jean J. Schwartzer  
JEAN J. SCHWARTZER, ESQ.  
Law Office of Jean J. Schwartzer  
10620 Southern Highlands Parkway  
Suite 110- 473  
Las Vegas, NV 89141  
Phone: 702-979-9941  
Fax: 702- 977-9954  
jean.schwartzter@gmail.com  
Counsel for Appellant

**MEMORANDUM**

I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned case. Appellant's Opening Brief was submitted for filing on February 27, 2017. Pursuant to NRAP 30(b)(6), if a copy of appellant's presentence investigation report is necessary for the Supreme Court's review in a criminal case and a copy of the report cannot be included in the appendix, appellant shall file a motion with the clerk of the Supreme Court requesting that the Court direct the district court clerk to transmit the report to the clerk of the Supreme Court in a sealed envelope. The motion must demonstrate that the report is necessary for the appeal.

In his Opening Brief, Appellant raises the issue that the District Court erred in sentencing Appellant as a habitual criminal based upon stale crimes and that his sentence amounted to cruel and unusual punishment. Appellant's sentence was based upon his criminal record, which is detailed in his presentence investigation report. Therefore, it is necessary for the Court to review Appellant's presentence investigation report so as to rule on this issue. Counsel cannot file the presentence investigation report because it contains personal information such as social security numbers, addresses, and family information.

Appellant hereby moves this Court to direct the District Court clerk to transmit his presentence investigative report to the clerk of the Supreme Court of Nevada in a sealed envelope.

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1 I declare under penalty of perjury the factual representations set forth in the  
2 foregoing memorandum are true and correct.

3 Dated this 6<sup>th</sup> day of March, 2017.

4  
5 Respectfully submitted,

6 /s/ Jean J. Schwartz

7 JEAN J. SCHWARTZER, ESQ.

8 Law Office of Jean J. Schwartz

9 10620 Southern Highlands Parkway

10 Suite 110- 473

11 Las Vegas, NV 89141

12 Phone: 702-979-9941

13 Fax: 702- 977-9954

14 jean.schwartz@gmail.com

15 Counsel for Appellant

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I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on March 6<sup>h</sup>, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT, ESQ.  
Nevada Attorney General  
STEVEN S. OWENS  
Chief Deputy District Attorney

/s/ Jean J. Schwartzer  
**JEAN J. SCHWARTZER, ESQ.**  
 Law Office of Jean J. Schwartzer  
 10620 Southern Highlands Parkway  
 Suite 110- 473  
 Las Vegas, NV 89141  
 Phone: 702-979-9941  
 Fax: 702- 977-9954  
 jean.schwartzter@gmail.com  
 Counsel for Appellant