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Appellant,

THE STATE OF NEVADA,

Respondent.

**APPELLANT'S MOTION FOR
TRANSMISSION OF ORIGINAL EXHIBITS**

Comes Now Appellant SAYEDBASHE SAYEDZADA, by and through Deputy Public Defender DEBORAH L. WESTBROOK, and moves for an order directing the District Court Clerk to transmit original State's Exhibits 1-20 and Court Exhibit 2 to this Honorable Court pursuant to **NRAP 30(d)** and **10(b)(2)**.

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

DATED this 24th day of May, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Deborah L. Westbrook
DEBORAH L. WESTBROOK, #9285
Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Rule 30(d) of the Nevada Rules of Appellate Procedure allows an appellant
3
4 to include copies of relevant and necessary exhibits in the appendix. However, if
5 an exhibit is not able to be reproduced,

6
7 the parties may file a motion requesting the court to direct the district
8 court clerk to transmit the original exhibits. The court will not permit
9 the transmittal of original exhibits except upon a showing that the
10 exhibits are relevant to the issues raised on appeal, and that the
11 court's review of the original exhibits is necessary to the
12 determination of the issues.

13 **NRAP 30 (d).**

14 Appellant asks that this Court direct the District Court Clerk's office to
15 transmit original State's Exhibits 1-20 and Court Exhibit 2 to the Supreme Court
16 for its review.

17 Appellant was convicted of thirteen counts of possession of credit or debit
18 card without cardholder's consent. State's Exhibits 1-19 are photographs of the
19 credit cards that form the basis for Appellant's convictions. Court Exhibit 2 is a
20 copy of the State's Power Point Presentation which also contains photographs of
21 the credit cards at issue in this case. State's Exhibit 20 is a photograph of
22 Appellant in handcuffs standing in front of a police car. These exhibits are all
23 referenced in Appellant's Fast Track Statement and are relevant to several
24 arguments on appeal.
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28 All of these exhibits (except Appellant's photograph) contain "Personal
information" (e.g., a "natural person's first name . . . and last name in combination

1 with . . . credit card number[s]"). See NRS 603A.040(1)(c). Pursuant to ADKT
2 410 Exhibit A, the Amendment to Rule 2 of the Policy for Handling Filed,
3 Lodged, and Presumptively Confidential Documents,¹ documents containing
4 "personal information" as defined by **NRS 603A.040** should not be filed in an
5 unredacted manner. In this case, Appellant has redacted all but the last four digits
6 of the credit card numbers at issue, pursuant to this rule.
7

8
9 Unfortunately, after making these redactions, it is exceedingly difficult to
10 read the remaining contents of the exhibits as they currently appear in Appellant's
11 Appendix. The credit cards were originally in color, but were introduced into
12 evidence in the form of black-and-white photocopies. The evidence vault prepared
13 color copies of the black and white exhibits for the Public Defender's Office.
14 When we copied them back into black and white for inclusion in the Appendix and
15 then scanned them in black and white to this Court, significant distortion occurred.
16
17 See Appellant's Appendix Vol. 4 at pp. 702-737.
18
19

20
21 For that same reason, Appellant is seeking transmission of State's Exhibit
22 20, the color photograph of Appellant in handcuffs in front of a police car, and
23 Court Exhibit 2, the PowerPoint Presentation that includes copies of this color
24 photograph. Again, because of the distortion that occurs when we try to include
25 such documents in an Appendix, the Court is unable to see just how prejudicial
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¹ Docket No. 14-42443, Filed December 30, 2014.

1 this picture was to Appellant's case without looking at the original document. See
2 Appellant's Appendix Vol. 4 at pp. 700-701.
3

4 Because Appellant relies on and refers to each of the aforementioned
5 exhibits in his Fast Track Statement, it is necessary for this Court to review the
6 original exhibits on appeal. Additionally, having access to the original documents
7 will allow the Court to see the credit cards in an unredacted manner.
8

9 Appellant therefore requests that this Honorable Court direct the Eighth
10 Judicial District Court Clerk to transmit original State's Exhibits 1-20 and Court
11 Exhibit 2 for this Court's review.
12

13 DATED this 24th day of May, 2017,
14
15

16 PHILIP J. KOHN
17 CLARK COUNTY PUBLIC DEFENDER
18

19 By /s/ Deborah L. Westbrook
20 DEBORAH L. WESTBROOK, #9285
21 Deputy Public Defender
22 309 So. Third Street, Suite #226
23 Las Vegas, Nevada 89155-2610
24 (702) 455-4685
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1
2 **CERTIFICATE OF SERVICE**

3 I hereby certify that this document was filed electronically with the
4 Nevada Supreme Court on the 25th day of May, 2017. Electronic Service of the
5 foregoing document shall be made in accordance with the Master Service List as
6 follows:
7

8
9 ADAM LAXALT
10 STEVEN S. OWENS

DEBORAH L. WESTBROOK
HOWARD S. BROOKS

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

13
14 SAYEDBASHE SAYEDZADA
15 NDOC No: 79356
16 c/o Southern Desert Correctional Center
17 P.O. Box 208
18 Indian Springs, NV 89070

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