

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

RYAN M. LIPSITZ,)	
#1169942,)	CASE NO.: 72057
Appellant,)	E-FILE
)	D.C. Case: C-16-316678-1
v.)	Dept.: XX
)	
STATE OF NEVADA,)	
)	
Respondent.)	
)	

Motion for Leave to File Supplemental Briefs

Comes now the appellant/defendant, Ryan M. Lipsitz, by and through counsel, Terrence M. Jackson, Esquire, and moves this Honorable Court for an order allowing him to file a Supplemental Brief in NSC case no.: 72057, after he has reviewed all the facts and circumstances of the case and any issues which merit further action.

...

As grounds for this Motion, counsel for appellant Lipsitz, Terrence M. Jackson, was newly appointed to represent Lipsitz on April 25, 2019. In order to provide effective assistance of counsel for appellant Lipsitz, it is respectfully submitted that counsel should have the option of filing any necessary supplement to existing pleadings if such supplementary pleadings are warranted.

This Motion is based upon the accompanying Points and Authorities incorporated herein and all the prior pleadings in this case.

DATED this 7th day of May, 2019.

Respectfully submitted,
//s// Terrence M. Jackson
Terrence M. Jackson
terry.jackson.esq@gmail.com
Counsel for Appellant, *Ryan M. Lipsitz*

POINTS AND AUTHORITIES

The Nevada Supreme Court has long recognized the importance of protecting an appellant's rights to effective assistance of counsel on appeal. *See, Lozada v. State*, 110 Nev. 349 (1994) and *Thomas v. State*, 115 Nev. 148 (1999). When inadequate briefs have been filed, the courts have reversed for ineffective assistance on appeal. *Hays v. Farwell*, 482 F.Supp. 1780 (D. Nev.2007), *see also Ramchair v. Conway*, 607

F.3d 66 (2d Cir.2016). The Nevada Supreme Court in this case chose to grant defendant Lipsitz' Motion to Withdraw Counsel on February 15, 2019, docket no.: 19-07355.

It is respectfully submitted that the only way for new counsel to function effectively as counsel in this case is to be able to review the work of prior counsel and then be able to supplement the briefs of prior counsel if necessary.

A full review of the record by counsel may in fact result in counsel not seeking to change the previously submitted briefs or only to make a minor change to the prior briefs, however defendant, through counsel, now merely requests that he should have the full option of being able to make reasonable supplements to the existing briefs if that is necessary to provide effective assistance of counsel to Ryan M. Lipsitz.

DATED this 7th day of May, 2019.

Respectfully submitted,
//s// Terrence M. Jackson
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Counsel for Appellant, *Ryan M. Lipsitz*

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CERTIFICATE OF SERVICE

I hereby certify that I am an assistant to Terrence M. Jackson, Esq., am a person competent to serve papers and not a party to the above-entitled action and on the 7th day of May, 2019, I served a copy of the foregoing: MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEFS as follows:

[X] Via Electronic Service to the Nevada Supreme Court and to the Eighth Judicial District Court, and by U.S. mail with first class postage affixed to the Petitioner/Appellant and the Attorney General as follows:

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By: /s/ Ila C. Wills

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