

MEMORANDUM OF POINTS AND AUTHORITIES

NRAP 30(d) allows a party to include copies of relevant and necessary exhibits in the appendix. However, if an exhibit is not able to be reproduced, a party may:

.....file a motion requesting the Supreme Court to direct the district court clerk to transmit the original exhibits. The Supreme Court will not permit the transmittal of original exhibits except upon a showing that the exhibits are relevant to the issues raised on appeal, and that the Supreme Court's review of the original exhibits is necessary to the determination of the issue.

NRAP 30(d). "When the court deems it necessary to review the trial court record, the district court clerk [] assemble[s] and transmit[s] the portions of the record designated by the clerk of the Supreme Court in accordance with the provisions of Rule 11." NRAP 10(a)(1).

James brings this motion asking Court to direct the Eighth Judicial District Court to transmit the following exhibits that are on CD-R disks and thus unable to be duplicated and included in the appendix: Exhibits 2, 3, 4, 68, 69, 70, 71, 72, and 73.

All exhibits are important for the Court to review for Issue I – insufficiency of the evidence.

Exhibits 2 and 3 are 911 calls referenced on page and discussed throughout the brief as facts. They are also important in deciding Issue V for

James' argument that State violated *Brady/Giglio* because the State redacted a portion of one 911 call.

Exhibit 4 is the police body cam referenced on 8 and 9 and discussed throughout the brief as facts. This CD-R allows Court to see how the parties acted when the police arrived and what the parties said to the police.

Exhibits 67, 68, 69, 70, 71, and 72 are jail calls referenced on page 11 and relevant for deciding Issue VII. James requested a specific jury instruction

Exhibit 73 is a 911 call involving a past incidence and is relevant for deciding issue V – the admission of other bad acts.

Respectfully submitted,

PHILIP J. KOHN
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 5 day of February, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT
STEVEN S. OWENS

SHARON G. DICKINSON
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:

JAMES MARLIN COOPER
NDOC No: 1174054
Three Lakes Valley Conservation Camp
P.O. Box 208
Indian Springs, NV 89070

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