

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

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4 GARY LAMAR CHAMBERS
 Appellant,
5 vs.
6 THE STATE OF NEVADA,
 Respondent

S.Ct. No. 73446 Electronically Filed
 Aug 15 2018 10:46 a.m.
D.C. No. C292987- Elizabeth A. Brown
 Clerk of Supreme Court

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10 **MOTION FOR TRANSMITTAL OF**
11 **EXHIBITS PURSUANT TO NRAP 30(D)**

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13 COMES NOW Appellant, GARY LAMAR CHAMBERS, by and through
14 his counsel in this matter, JEAN J. SCHWARTZER, ESQ., and pursuant to
15 Nevada Rule of Appellate Procedure 30(d), asks this Court to direct the District
16 Court to transmit State's Exhibit 122 admitted at trial on February 27, 2017 to the
17 Supreme Court of Nevada to be used for the purpose of reaching a decision on the
18 issues raised in Chambers' appeal filed this same day.
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1 This motion is based upon the following memorandum and all papers and
2 pleadings on file herein.

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4 DATED this 15th day of August, 2018.

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6 /s/ Jean Schwartzer
7 JEAN J. SCHWARTZER, ESQ
8 Nevada State Bar No. 11223
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15 Counsel for Appellant

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17 **MEMORANDUM**

18 Rule 30 (d) of the Nevada Rules of Appellate Procedure allows the inclusion
19 of copies of relevant and necessary exhibits in an appendix. However, if an exhibit
20 cannot be reproduced, a party may:

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

27 NRAP 30(d).

28 Chambers asks that this Court direct the District Court Clerk's Office to
transmit State's Exhibit 122 admitted at trial on February 27, 2017.

1 State's Exhibit 122 admitted at trial on February 27, 2017 consists of a
2 recording of the redacted police interview with State's witness, Cynthia Lacey.
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4 Chambers argued in Ground II of his direct appeal that the district court erred
5 when it allowed Lacey to testify via audiovisual technology. Chambers further
6 argued that this prejudiced him because as a result of Lacey's testimony, the State
7 was able to admit into evidence portions of her recorded interview with police so
8 as to impeach her. The statements she made in this interview were very damaging
9 to Chambers' defense.
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12 The recording offers the Court an opportunity to view direct evidence in
13 making its determination.
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15 Counsel cannot submit this recording in Appellant's Appendix because it is
16 an audio recording and cannot be uploaded to the Supreme Court of Nevada E-Flex
17 System.
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1 **CONCLUSION**

2 Based upon the foregoing, Chambers respectfully requests the Court to order
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4 the District Court Clerk's Office to transmit State's Exhibit 122 admitted at trial on
5 February 27, 2017 to the Supreme Court of Nevada so as to be used when reaching
6 a decision on the issues on appeal.
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8
9 DATED this 15th day of August, 2018.
10

11 /s/ Jean Schwartzer
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CATHERINE CORTEZ MASTO
STEVEN S. OWENS

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