

Electronically Filed
May 24, 2018 02:06 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

TRANSMIT PRESENTENCE INVESTIGATION REPORT

Attorneys for Appellant

ANDERSON offers the following by way of opposition to the State's Motion To Transmit Presentence Investigation Report filed on May 23, 2018.

The state seeks to have the Presentence Investigation Report (PSI) made part of the record on appeal because:

The State, in its Respondent's Answering Brief, relies upon the Presentence Investigation Report...to establish the facts of the underlying crime.¹

Transmission of the PSI is necessary and relevant to explain, in part, the facts and circumstances of the underlying crime....²

The PSI has nothing to do with the facts of the case as presented to the jury and upon which its verdict was based. It is merely a document filled with and based upon hearsay, which may contain many errors that was prepared by an employee of the Division of Parole and Probation. The State's reliance on the PSI for its statement of facts as set forth in its Answering Brief is misplaced and improper. It is not a correct or even necessarily accurate rendition of facts which were admissible at trial and should not be countenanced by this Court as an acceptable citation to the record in support of the facts of this case.

For the foregoing reasons, ANDERSON asserts that making the PSI part of the record on appeal for the reasons set forth by the State would tend to mislead this Court and should not be allowed for the state's purpose of establishing the

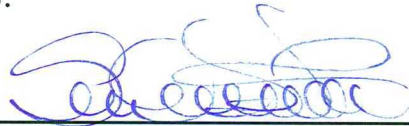
¹ Motion/2.

² Motion/2.

facts of this case. ANDERSON therefore opposes the state's motion, and requests that the PSI not be made part of the record on appeal in this case.

Respectfully submitted,

Dated this 24th day of May, 2018.



SANDRA L. STEWART, Esq.
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the:

**ANDERSON OPPOSITION TO MOTION TO
TRANSMIT PRESENTENCE INVESTIGATION REPORT**

by mailing a copy on May 24, 2018 via first class mail, postage thereon fully prepaid, to the following:

ARNOLD ANDERSON
INMATE NO. 85509
ELY STATE PRISON
POST OFFICE BOX 1989
ELY, NV 89301

and by e-filing the document with the Nevada Supreme Court, thereby providing access to a copy to all other interested parties, including but not limited to, the following:

STEVEN B. WOLFSON, ESQ.
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200 LEWIS AVENUE
LAS VEGAS, NV 89155-2212


SANDRA L. STEWART