

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA HONEA,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 77684

Electronically Filed
Nov 29 2018 09:49 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION REQUESTING THE SUPREME COURT TO DIRECT THE
DISTRICT COURT CLERK TO TRANSMIT THE COURT'S EXHIBITS**

COMES NOW, Appellant, JOSHUA HONEA, by and through his appointed counsel of record, JONATHAN MACARTHUR, ESQ, and hereby moves this Honorable Court for an Order directing the District Court Clerk to Transmit the Court's Exhibits to the Supreme Court for review, pursuant to Nev. R. App. P. 30(d).

This Motion is made and based upon the papers and pleadings on file herein and in the District Court below, the Points and Authorities filed herewith.

DATED this 28th day of November, 2018.

By: /s/Jonathan E. MacArthur, Esq.
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MEMORANDUM OF POINTS AND AUTHORITIES

The Appellant, Joshua Honea, was found guilty of one count by a jury in December 19, 2017 of one count of Sexual Assault with a Minor Under Fourteen Years of Age. The District Court sentenced Mr. Honea on May 21, 2018 and counsel subsequently filed a Notice of Appeal.

Introduced as a court exhibit during trial were the Defendant's proposed jury instructions. The proposed jury instructions, which were not given, are the subject of Mr. Honea's forthcoming brief. That court exhibit was not file stamped and thus Mr. Honea does not have access to put such exhibit in the Appendix.

Nev. R. App. P. 30(d) provides that relevant and necessary exhibits shall be clearly identified and included in the appendix as far as practicable. . .if the exhibits are too large or otherwise incapable of being reproduced in the appendix, the parties may file a motion requesting that the Supreme Court to direct the district court clerk to transmit the original exhibits. . . In this case, Mr. Honea asserts that the district court erred in not instructing the jury regarding consent on sexual assault on a minor, and he therefore believes that his proposed exhibit is relevant to that issue.

Accordingly, Mr. Honea asks that this Court enter an Order directing the District Court Clerk to transmit the court's exhibit of the court exhibit containing defendant's proposed jury instructions.

Respectfully submitted,

By: /s/Jonathan E. MacArthur, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 28th day of November, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

MONIQUE MCNEILL

STEVEN WOLFSON

Dated this 28th of day of November, 2018.

/s/Monique McNeill
Monique McNeill
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