

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID BURNS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Feb 28 2019 10:53 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No. 77424

MOTION TO TRANSMIT PRESENTENCE INVESTIGATION REPORT

COMES NOW Appellant, David Burns, by and through counsel, Jamie Resch, Esq., and files this Motion to Transmit Presentence Investigation Report. This motion is based on the following memorandum and all papers and pleadings on file herein.

DATED this 28th day of February, 2019.

RESCH LAW, PLLC d/b/a Conviction
Solutions

By: 

JAMIE J. RESCH

Attorney for Appellant

MEMORANDUM

Pursuant to NRAP 30(b)(6), "if a copy of appellant's presentence investigation report is necessary for the Supreme Court's review in a criminal case and a copy of the report cannot be included in the appendix, appellant shall file a motion with the clerk of the Supreme Court within the time period for filing an opening brief or fast track statement that the court direct the district court clerk to transmit the report to the clerk of the Supreme Court in a sealed envelope."

The presentence report is confidential and should not be made part of the public record pursuant to NRS 176.156. As such, a sealed copy should be transmitted to the Supreme Court by the district court clerk.

Here, the report is necessary because one of Appellant's claims involves errors in the presentence report that were identified in a sentencing memorandum (which itself is also filed under seal). In order to determine whether counsel was ineffective at the time of sentencing, and whether the alleged errors in the presentence report prejudiced Appellant, it is necessary that this Court have access to said presentence report.

WHEREFORE, Appellant respectfully requests that these documents
be transmitted to this Court.

DATED this 28th day of February, 2019.

RESCH LAW, PLLC d/b/a Conviction
Solutions

By: _____

JAMIE J. RESCH

Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on February 28, 2019. Electronic service of the foregoing document shall be made in accordance with the master service list as follows:

STEVEN WOLFSON
Clark County District Attorney
Counsel for Respondent

AARON FORD
Nevada Attorney General



An Employee of RESCH LAW, PLLC, d/b/a
Conviction Solutions