



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Rule 30(d) of the Nevada Rules of Appellate Procedure allows an  
3 appellant to include copies of relevant and necessary exhibits in the appendix.  
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5 However, if an exhibit is not able to be reproduced, a party may:

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

13 NRAP 30(d).

14 Appellant was tried and convicted in the Eighth Judicial District  
15 Court for creating and possessing images of minors as either the subject of a  
16 sexual portrayal in a performance or as depicting minors engaged in sexual  
17 conduct, i.e., child pornography. At trial the State admitted evidence to  
18 substantiate its allegations as exhibits 79, 80, 81 and 82. Appellant asks that this  
19 Court direct the District Court Clerk’s office to transmit the aforementioned  
20 exhibits to this Court for purposes of appeal.  
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22 It is crucial for this Court to review the videos and images located on the  
23 exhibits when reaching a decision on the merits of Appellant’s case. The videos  
24 and still images are important because they were shown to the jury at trial and are  
25 repeatedly referenced in Appellant’s Opening Brief, Respondent’s Answering  
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27  
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1 Brief, and Appellant’s Reply Brief. Accordingly, the exhibits are necessary for  
2 Appellant’s appeal.  
3

4 Finally, because Appellant’s case and the images at issue involve a mixed  
5 question of law and fact this Court should review, *de novo*, whether the images  
6 constitute child pornography. See U.S. v. Amirault, 173 F.3d 28, 33 (1<sup>st</sup> Cir.  
7 1999); Comm v. Rex, 469 Mass. 36, 42, 11 N.E.3d 1060, 1067 (2014)(“the  
8 United States Supreme Court had emphasized ...that ‘cases involving speech  
9 under the First Amendment require independent appellate review of the  
10 offending material to ensure that protected speech is not infringed.’”)(*citing Bose*  
11 Corp. v. Consumers Union of U.S., Inc., 466 U.S. 485, 504-05 (1984)).  
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13  
14

15 Based upon the foregoing, Appellant respectfully requests this Court order  
16 the district court to transmit State’s Exhibits 79, 80, 81 and 82 to this court for  
17 review.  
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19 Respectfully submitted,

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23  
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