

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAIDEN CARUSO,
Appellant,
v.
THE STATE OF NEVADA,
Respondent.

Electronically Filed
Sep 02 2020 10:27 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
CASE NO: 80361

**MOTION TO TRANSMIT EXHIBITS
UNDER NRAP 30(d)**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, KAREN MISHLER, and under Nevada Rules of Appellate Procedure 30(d) and 10(b)(1), respectfully requests this court to direct the district court to send the State's Exhibits 147 and 149 to this Court for reaching a decision on the issues on appeal.

This Motion is based upon the following Memorandum and all papers and pleadings on filed herein.

Dated this 2nd day of September, 2020.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Karen Mishler*

KAREN MISHLER
Chief Deputy District Attorney
Nevada Bar #013730
Office of the Clark County District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

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

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

NRAP 30(d).

Respondent asks that this Court direct the District Court Clerk's office to transmit State's Exhibits 147 and 149, which consists of videos taken by Appellant after the murder and depict the victim's body lying on the floor and surveillance footage of Appellant and Harlan purchasing new shoes less than 30 minutes after Appellant filmed the videos included in Exhibit 147.

In his Opening Brief, Appellant alleges that alleged juror misconduct and improper testimony prejudiced Appellant to the point where the reliability of the verdict was called into question. AOB29-62. The videos of Appellant are necessary to show the overwhelming evidence of Appellant's guilt which refutes any claim that any alleged errors prejudiced Appellant. The videos clearly establish that Appellant not only shot and killed the victim but that he showed no remorse for his

actions and was more concerned with purchasing new shoes with the money Appellant and Harlan took from Minkler's wallet after Appellant shot Minkler. This Court would benefit from watching the videos to understand Appellant's actions and intent which the jury watched when coming to their verdict. Accordingly, this Court should direct the district court to transmit Exhibits 147 and 149 for this Court's review in solving the issues on appeal.

CONCLUSION

For the reasons above, the State respectfully requests the Court to order the District Court Clerk's Office to transmit State's Exhibits 147 and 149.

Dated this 2nd day of September, 2020.

Respectfully submitted,

STEVEN B. WOLFSON

Clark County District Attorney

BY */s/ Karen Mishler*

KAREN MISHLER

Chief Deputy District Attorney

Nevada Bar #013730

Office of the Clark County District Attorney

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 2nd day of September, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

MACE J. YAMPOLSKY, ESQ.
Counsel for Appellant

KAREN MISHLER
Chief Deputy District Attorney

/s/ J. Garcia

Employee, Clark County
District Attorney's Office

KM/Julia Barker/jg