

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 82602

RICKIE SLAUGHTER

Petitioner-Appellant,

v.

CHARLES DANIELS, et al.,

Respondents-Appellees.

Electronically Filed
Jul 21 2021 04:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO TRANSMIT ORIGINAL EXHIBITS

ARGUMENT

Rickie Slaughter respectfully moves for the transmission of original exhibits filed with the Eighth Judicial District Court to the Nevada Supreme Court.

Nevada Rule of Appellate Procedure 30(d) allows a party to request the transmission of an original exhibit from the lower court to this Court. Transmission is appropriate if the exhibit cannot be “reproduced in the appendix,” if the exhibit is “relevant to the issues raised on appeal,” and if the Court’s “review of the original exhibit[] is necessary to the determination of the issues.”

This appeal involves the lower court’s denial of Mr. Slaughter’s 2020 post-conviction petition. The Court previously denied an appeal from his 2018 petition. In his current appeal, Mr. Slaughter is arguing the Court should reconsider the relevant issues under exceptions to the law of the case doctrine.

Mr. Slaughter proposes the Court transmit three exhibits that he manually filed in the lower court. First, Mr. Slaughter manually filed Exhibits 28 and 29, which are video recordings of the two depositions at

issue in this case: the lead detective Jesus Prieto, and the lead prosecutor Marc DiGiacomo. The Court should order these two videos transmitted so it can view the videos if necessary, rather than relying solely on the transcripts.

Second, Mr. Slaughter previously filed Exhibit 20 in the 2018 proceedings. Exhibit 20 is an audio copy of a 911 call placed by one of the victims in this case. Many of the issues in the appeal involve a statement made on the 911 call about when the crime took place, which is relevant to Mr. Slaughter's alibi. The Court should therefore review the call in connection with this appeal. The Court previously ordered this exhibit transmitted in the appeal involving the 2018 proceedings. Mr. Slaughter manually filed this exhibit in the specific post-conviction case number assigned to his 2018 petition (A-18-784824-W), which is ultimately tied to the same underlying criminal proceedings. Rather than refileing the relevant exhibits in the specific post-conviction case number assigned to his 2020 petition, Mr. Slaughter asked the lower court to take judicial notice of the exhibits from the prior post-conviction proceeding and his criminal case.

Along with this motion, Mr. Slaughter is mailing a courtesy copy to this Court of DVDs containing these manually filed exhibits. The exhibits on these DVDs are identical to the exhibits Mr. Slaughter manually filed in the lower court. Mr. Slaughter wouldn't object to the Court relying on this courtesy copy in lieu of transmitting the original exhibits from the lower court.

Dated July 21, 2021.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

/s/ *Jeremy C. Baron*
JEREMY C. BARON
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2021, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system.

Participants in the case who are registered users in the appellate electronic filing system will be served by the system and include Alexander Chen.

I further certify that some of the participants in the case are not registered appellate electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following person:

Rickie Slaughter NDOC #85902 High Desert State Prison P.O. Box 650 Indian Springs, NV 89070	Erica Berrett Deputy Attorney General Office of the Attorney General 555 E. Washington Ave. Suite 3900 Las Vegas, NV 89101
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/s/ Richard D. Chavez
An Employee of the
Federal Public Defender