

1
2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 Electronically Filed
4 Nov 15 2021 09:21 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 KODY CREE PATTEN,

6 Appellant,

7 vs.

CASE NO. 82715

8 THE STATE OF NEVADA,

9 Respondent.

10 **NOTICE**

11 Comes now the State of Nevada, by and through its attorneys,
12 TYLER J. INGRAM, District Attorney for the County of Elko, and gives
13 notice to this Court that:

- 14 1. Counsel for the State recently drafted a stipulation to transmit an
15 exhibit from the Clerk to this Court.
- 16 2. That the stipulation explained that exhibit #42 was a photograph of
17 the actual physical item of evidence (a shovel).
- 18 3. That this Court denied that stipulation and instructed the parties to
19 submit the photograph in a supplemental exhibit.
- 20 4. That thereafter the undersigned made an appointment with our

1 local Clerk's office to view the evidence and discovered that
2 exhibit #42 is not a photograph, but instead is the actual physical
3 exhibit.

4 5. That the undersigned informed appellant's counsel of that error
5 immediately.

6 6. That the undersigned is now in possession of a photograph that
7 sufficiently depicts exhibit #42.

8 7. That the undersigned received permission from appellant's counsel
9 to include that photograph in place of the actual physical item of
10 evidence referred to as exhibit #42.

11 8. That the undersigned is providing this notice to this Court in order
12 to ensure this Court that he made a mistake and did not
13 intentionally try to mislead this Court or opposing counsel.

14 9. That the undersigned is hopeful that this Notice is sufficient to
15 bring the error to this Court's attention.

16 Dated this 10 day of November, 2021.

17 TYLER J. INGRAM
18 Elko County District Attorney

19 By: 
20 TYLER J. INGRAM
Elko County District Attorney
State Bar Number: 11819

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

Honorable Aaron D. Ford
Nevada Attorney General

RICHARD WAYNE SEARS
Attorney for Appellant

12
13
14
15
16
17
18
19

20