

1 **IN THE SUPREME COURT FOR THE STATE OF NEVADA**

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3 ADAM ANTHONY BERNARD,

4 Appellant,

5 vs.

6 STATE OF NEVADA,

7 Respondent.

 Electronically Filed
No. 83323 May 04 2022 02:16 p.m.
Elizabeth A. Brown
OPPOSITION TO STATE'S
MOTION TO TRANSMIT
EXHIBIT
 Supreme Court

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9 Appellant hereby respectfully opposes the transmittal of State's Exhibit 2,
10 as requested in the State's Motion to Transmit Exhibit. Pursuant to Rule 30(d),
11 this Court will not permit the transmittal of original exhibits except upon a
12 showing that the exhibits are relevant to the issues raised on appeal, and that the
13 court's review of the original exhibits is necessary to the determination of the
14 issues.

15 The contents of Exhibit 2 are set forth the State's Motion In Limine
16 Regarding Videos. Vol. I, JA 125. The contents are also discussed by various
17 witnesses in the preliminary hearing transcript. Vol. I, JA 1-116. They are again
18 reviewed by various witnesses in the February 3, 2020, Motion Hearing
19 Transcript. Vol. I, JA 141-224. The video content is also described in great detail
20 in the Presentence Investigative Report, at page 5. Vol. II, JA 297. The video
21 content is also described by Officer Ignatius Kyeremeh, in his report, shortly after
22 he viewed the original video surveillance at the scene. Vol. II, JA 318.
23 Additionally, the prosecutor provided a running narrative of the contents of the
24 video as it was played during sentencing argument, describing each scene in the
25 video, breaking it down into seven different parts. Vol. III, 471. State's Exhibit
26 2 is not necessary for this Court to determine the issues raised in the appeal, as the
27 video's contents have been sufficiently described by multiple lay witnesses, an
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1 expert witness, a law enforcement officer, a probation officer, and the prosecuting
2 attorney himself.

3 Appellant also objects to the transmittal of State's Exhibit 2 on all of the
4 same grounds raised in his Opposition to the State's Motion In Limine Regarding
5 Videos, including that the video is suspect as it was digitally enhanced, clarified,
6 enlarged, concatenated and otherwise manipulated and is not a fair and accurate
7 of the incident that occurred on July 8, 2017.

8 Counsel for Appellant certifies that the information provided in this
9 Opposition to the State's Motion to Transmit Exhibit is true and complete to the
10 best of her knowledge, information and belief.
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13 Dated this 4th day of May, 2022.

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22 Attorney for defendant Bernard
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CERTIFICATE OF SERVICE

I certify that I am an employee of PENCE & ASSOCIATES and that on this date, I served a true and correct copy of the Opposition to State's Motion to Transmit Exhibit to the following address:

Erik Levin, Chief Criminal Deputy District Attorney
District Attorney's Office
1038 Buckeye Road
Minden, NV 89423

Dated this 4th day of May, 2022.



MARIA PENCE, ESQ.