

No. 83346

IN THE NEVADA SUPREME COURT

Electronically Filed
Mar 01 2022 02:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Eric Abasta,

Appellant,

v.

State of Nevada,

Respondent.

Direct Appeal from a Judgment of Conviction (Plea of Guilty)

Eighth Judicial District Court

Honorable Michael Villani, District Court Judge; Honorable
David Barker, District Court Judge; Honorable Cristina Silva,
District Court Judge, District Court Case No. C-20-349045-1

Motion to Transmit Pre-Sentence Investigation Report

JoNell Thomas

Special Public Defender

Nevada State Bar No. 4771

*Melinda Simpkins

Chief Deputy Special Public Defender

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*Counsel for Eric Abasta

COMES NOW, Appellant Eric Abasta, by and through his attorneys, JoNell Thomas, Special Public Defender and Melinda E. Simpkins, Chief Deputy Special Public Defender, and submits this Motion to Transmit the Presentence Investigation Report. He seeks an order from this Court directing the Clerk of the District Court to transmit to this Court, under seal, Appellant's Presentence Investigation Report ("PSI") filed on June 10, 2021, under District Court Case No. C-20-349045-1.

This motion is based on the following memorandum, NRAP 30, and all papers and pleadings on file herein.

Memorandum of Points and Authorities

Mr. Abasta has utilized the PSI in his Opening Brief for the purpose of establishing that the district court was aware of the facts and circumstances surrounding Mr. Abasta's indigent status, which is relevant to the issues raised on appeal. Accordingly, he requests that this Court direct the District Court Clerk to transmit the PSI to this Court, in a sealed envelope, so that this Court may refer to it in deciding this appeal.

NRAP 30(b)(6) states in relevant portion:

(6) If a copy of appellant's presentence investigation report is necessary for the Supreme Court's or Court of Appeals' review in a criminal case...appellant shall file a motion with the clerk of the Supreme Court within the time period for filing an opening brief or fast track statement that the court direct the district court clerk to transmit the report to the clerk of the Supreme Court in a sealed envelope. The motion must demonstrate that the report is necessary for the appeal.

DATED March 1, 2022.

SUBMITTED BY:

/s/ Melinda Simpkins

JoNell Thomas
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on 3/1/2022, a copy of the foregoing Motion was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

/s/ MELINDA SIMPKINS

MELINDA SIMPKINS