

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHANELL CATHRINE MARTIN,)
)
Appellant,)
)
v.)
)
THE STATE OF NEVADA,)
)
Respondent.)
_____)

Electronically Filed
Nov 16 2021 05:56 p.m.
83665
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO.

MOTION TO TRANSMIT UNDER SEAL PRESENTENCE
INVESTIGATION REPORT

The Appellant above-named, SHANELL CATHRINE MARTIN, by and through her counsel of record, BENJAMIN C. GAUMOND, ESQ. of the BEN GAUMOND LAW FIRM, PLLC, hereby moves for an order directing the Fourth Judicial District Court Clerk to transmit a sealed copy of the Presentence Investigation Report in this case for review by this Court. Pursuant to NRS 176.156, NRAP 10, and NRAP 30, the document must not be made a part of any public record and therefore cannot be a part of any appendix or exhibits attached to a motion.

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1 The Fast Track Statement shall make reference to information
2 contained in the Presentence Investigation Report insofar as such
3 information supports Ms. Martin's position that she suffered only one
4 prior conviction for an infraction under NRS 453.336 and, as such, the
5 infraction in the instant case was subject to mandatory diversion under
6 NRS 176.211. This is relevant to the appeal because the district court
7 lacked jurisdiction to send Ms. Martin to prison, but the district court
8 sentenced Ms. Martin to prison nevertheless.
9

11 DATED this 16th day of November, 2021.

13 BEN GAUMOND LAW FIRM, PLLC

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15 _____
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CERTIFICATE OF SERVICE

I, Benjamin C. Gaumond, certify that I am the owner of the Ben Gaumond Law Firm, PLLC and that on the 16th day of November, 2021, I served a copy of the foregoing MOTION TO TRANSMIT UNDER SEAL PRESENTENCE INVESTIGATION REPORT by:

- (a)electronically serving said document to the Clerk of the Supreme Court, Tyler J. Ingram and Ryan I. McCormick of the Elko County District Attorney's Office, and Nevada Attorney General Aaron D. Ford; and
- (b)mailing a copy with postage prepaid to Shanell Cathrine Martin, NDOC # 1172591, Florence McClure Women's Correctional Center, 4370 Smiley Road, Las Vegas, NV 89115-1808.

DATED this 16th day of November, 2021.

A handwritten signature in black ink, appearing to read 'Benjamin C. Gaumond', written over a horizontal line.

Benjamin C. Gaumond, Esq.