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IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW YOUNG,)
)
Appellant,)
)
vs.)
)
THE STATE OF NEVADA,)
)
Respondent.)
)

NO. 84412
Electronically Filed
Mar 25 2022 10:10 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT’S MOTION FOR INSTRUCTION AS TO HOW TO
PROCEED WITH BRIEFING ON SEVERED CHARGES**

Comes now Appellant ANDREW YOUNG, by and through his counsel,
JASON R. MARGOLIS, and moves this Honorable Court for instruction as to
how to proceed with briefing on both this matter as well as Appellant’s preexisting
appeal, Nevada Supreme Court Case Number 83242, arising from his conviction
on a series of petty thefts and other property crimes that were tried prior to the trial
held on the severed counts, namely counts of Battery with Use of a Deadly
Weapon Resulting in Substantial Bodily Harm and Attempt Murder charge(s).
It is Mr. Young’s conviction for Battery with Use of Deadly Weapon Resulting in
Substantial Bodily Harm that is the subject of the appeal herein, and it is that
conviction that is now joined, along with the prior petty theft and property crime
convictions that were the subject of Nevada Supreme Court Case No. 83243,
herein, in a single, amended judgment of conviction. Counsel submits the
foregoing seeking guidance on how best to proceed with briefing given the

1 issuance of the Amended Judgment of Conviction including crimes of conviction
2 from each of the distinct trials.
3

4 DATED this 24th day of March, 2022.

5 YAMPOLSKY & MARGOLIS

6
7 /s/ Jason R. Margolis, Esq.
8 MACE J. YAMPOLSKY, ESQ.
9 Nevada Bar No. 001945
10 JASON R. MARGOLIS, ESQ.
11 Nevada Bar No. 001945
12 625 South Sixth Street
13 Las Vegas, Nevada 89101
14 Attorney for Appellant

15
16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 Appellant was originally charged with several theft-related offenses as well
18 as Attempt Murder with Use of a Deadly Weapon/Battery With Use of a Deadly
19 Weapon Resulting in Substantial Bodily Harm. After the District Court granted
20 defense counsel's motion to sever the Attempt Murder/Battery charges from the
21 theft-related offenses, Appellant proceeded to trial on the theft charges. He was
22 convicted on all but two of those offenses. Following his sentencing, the District
23 Court filed a Judgment of Conviction reflecting Appellant's convictions and
24 corresponding sentences. Trial counsel then filed a timely Notice of Appeal
25 (Nevada Supreme Court Case No. 83243).
26

27 Not long after, trial counsel withdrew from both of Appellant's matters – the
28 pending appeal in Case No. 83243 as well as the severed Attempt Murder/Battery
charges. The undersigned counsel was appointed to represent Appellant on the

1 Attempt Murder/Battery charges; Nancy M. Lemcke, Esq. was appointed to
2 represent Appellant in Case No. 83243.
3

4 While briefing on Case No. 83243 was pending, Appellant proceeded to
5 trial on the Attempt Murder/Battery charges. A jury convicted Appellant of
6 Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm.
7 Thereafter, on the morning of March 8, 2022, Appellant filed his Opening Brief in
8 Case No. 83243. Later that afternoon, the District Court filed an Amended
9 Judgment of Conviction (JOC) adding the Battery conviction to the original JOC
10 from which Case No. 83243 derived.
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13 On the morning of March 21, 2022, Appellant filed his Notice of Appeal in
14 the above-captioned matter, Nevada Supreme Court Case No. 84412, challenging
15 Appellant's Battery with Use of a Deadly Weapon Resulting in Substantial Bodily
16 Harm conviction. This means that Appellant now has two cases pending before
17 this Court – one for each set of severed charges – deriving from the same
18 Amended JOC. Given that both matters are now pending separately before this
19 Court; and given that both matters now derive from a single, amended JOC, the
20 undersigned counsel is renewing Appellant's request, made previously in Case No.
21 83243, for instruction as to how to proceed with briefing. Specifically, Appellant
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1 requests instruction as to whether he should submit separate briefing on each
2 matter or consolidate both into a single submission.
3

4 DATED this 24th day of March, 2022.

5 YAMPOLSKY & MARGOLIS

6
7 /s/ Jason R. Margolis, Esq.
8 MACE J. YAMPOLSKY, ESQ.
9 Nevada Bar No. 001945
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14 Attorney for Appellant

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 24th day of March, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List.

/s/ Theresa J. Muzgay
An employee of
YAMPOLSKY & MARGOLIS