

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERMAINE HAMPTON,

Petitioner,

v.

THE STATE OF NEVADA,

Respondent.

CASE NO:

Electronically Filed
Aug 01 2022 12:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
84360

**MOTION REQUESTING TRANSMITTAL OF HAMPTON'S
PRESENTENCE INVESTIGATION REPORT**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, JOHN AFSHAR, and pursuant to NRAP 10(b)(2) and 30(d) asks this Court to direct the district court to transmit the Presentence Investigation Report. This Motion is based upon the following Memorandum and all papers and pleadings on filed herein.

Dated this 1st day of August, 2022.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ John T. Afshar*

JOHN T. NIMAN
Deputy District Attorney
Nevada Bar #014408
Office of the Clark County District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 30(d) of the Nevada Rules of Appellate Procedure (NRAP) allows the inclusion of copies of relevant and necessary exhibits in an appendix. However, if an exhibit cannot be reproduced, a party may:

file a motion requesting the Supreme Court to direct the district court clerk to transmit the original exhibits. The Supreme Court will not permit the transmittal of original exhibits except upon a showing that the exhibits are relevant to the issues raised on appeal, and that the Supreme Court's review of the original exhibits is necessary to the determination of the issue.

NRAP 30(d).

Respondent asks that this Court direct the Clerk of the Eighth Judicial District Court to transmit the Presentence Investigation Report admitted under that Court's Case Number C-17-320368-1 to this Court for review in adjudicating this matter. This exhibit is the Presentence Investigation Report the District Court relied upon in sentencing Hampton. The contents of the document provide critical context to the District Court's sentence and the facts of this case.

Further, the State offers the facts of the case in its Statement of Facts and will need the content this document in the record before this Court in order to comply with NRAP 28(e)(1).

CONCLUSION

Based upon the foregoing, the State respectfully requests this Court to order

the District Court Clerk's Office to transmit Germaine Hampton's Presentence Investigation Report.

Dated this 1st day of August, 2022.

Respectfully submitted,

STEVEN B. WOLFSON

Clark County District Attorney

BY */s/ John T. Afshar*

JOHN T. AFSHAR

Deputy District Attorney

Nevada Bar #014408

Office of the Clark County District Attorney

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 1st day of August, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

JOHN T. AFSHAR
Deputy District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

GERMAINE HAMPTON #1221724
1200 Prison Rd.
Lovelock, NV 89419

/s/ J. Hall

Employee, Clark County
District Attorney's Office

JA/John Taylor/jh