

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Apr 15 2022 01:58 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

ANTHONY CHRIS ROBERT

MARTINEZ,

Appellant,

CASE NO. 83754

vs.

THE STATE OF NEVADA,

Respondent.

**MOTION TO TRANSMIT ORIGINAL EXHIBITS 103 AND 106**

COMES NOW, Respondent, State of Nevada, by and through its attorneys,  
TYLER J. INGRAM, District Attorney for the County of Elko, and submits this  
Motion to Transmit Original Exhibits 103 and 106 requesting that this Court  
order the Court Clerk for the Fourth Judicial District Court to transmit the same  
to the Supreme Court of Nevada.

Dated this 15 day of April, 2022.

TYLER J. INGRAM  
ELKO COUNTY DISTRICT ATTORNEY

By:   
TYLER J. INGRAM  
District Attorney  
State Bar No. 11819

1 POINTS AND AUTHORITIES

2 NRAP 30(d) allows a party to file a Motion requesting the Court to direct  
3 the District Court Clerk to transmit original exhibits. “The court will not permit  
4 the transmittal of original exhibits except upon a showing that the exhibits are  
5 relevant to the issues raised on appeal, and that the court’s review of the original  
6 exhibits is necessary to the determination of the issues.” *Id.*

7 Martinez filed an appeal arguing, among other points, that there was  
8 insufficient evidence to show that he intended to kill Officer Pantelakis. One of  
9 the arguments made by Martinez to that point is that it is difficult to tell who fired  
10 first. The State, in it’s Reply Brief, cited to the dashboard camera footage which  
11 was admitted at trial as Exhibit 103. As argued in the Reply Brief, the State  
12 points out that it is clear from the footage that Martinez immediately exited his  
13 vehicle and began firing at Officer Pantelakis. Therefore, the exhibit is relevant  
14 to at least one issue on appeal. That footage is not capable of being reproduced  
15 in the appendix because it is contained on a thumb drive or compact disc.

16 Also, Martinez argued that the District Court erred in not instructing the  
17 jury that evidence which law enforcement failed to collect, video surveillance  
18 from the strip club, can be presumed to be unfavorable to the State. While the  
19 State has never argued that law enforcement did collect that video, the State, in  
20 it’s Reply Brief, relies in part on the fact that there was video collected (and still

1 shots from the video) from the strip club and it was introduced into evidence as  
2 Exhibit 106. The contents of those videos and still shots corroborate the witness  
3 testimony and contradict any claim that the uncollected evidence was material.  
4 See, *Daniels v. State*, 114 Nev. 261 (1998). Along the same lines, Martinez  
5 argued that there was insufficient evidence to show that the kidnapping was not  
6 incidental to the other charged related felonies. Therefore, the exhibit is relevant  
7 to at least one issue on appeal. That footage is not capable of being reproduced  
8 in the appendix because it is contained on a thumb drive or compact disc.

9 Exhibits 103 and 106 are cited to in the Reply Brief, are relevant to the  
10 issue(s) on appeal and are incapable of being reproduced in an electronically filed  
11 appendix (to the best of the State's knowledge). The State is respectfully  
12 requesting that this Court order the Court Clerk for the Fourth Judicial District  
13 Court to transmit the same to the Supreme Court of Nevada.

1 CERTIFICATE OF SERVICE

2 I certify that this document was filed electronically with the Nevada  
3 Supreme Court on the 15<sup>th</sup> day of April, 2022, Electronic Service of the  
4 Motion to Transmit Original Exhibits 103 and 106 shall be made in accordance  
5 with the Master Service List as follows:

6 Honorable Aaron D. Ford  
7 Nevada Attorney General

8 and

9 Matthew Pennell  
10 Attorney for Appellant



11 Carisa Anchondo  
12 Assistant Office Manager

13 DA#: AP-18-03371