

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

ADAM ANTHONY BERNARD,

Appellant,  
vs.

THE STATE OF NEVADA,

Respondent.

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Electronically Filed  
Apr 28 2022 10:37 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Supreme Court Case Clerk 83323

**MOTION TO TRANSMIT EXHIBIT**

COMES NOW, the State of Nevada, by and through counsel, and seeks an order from this Court, directing the clerk of the district court to transmit to this Court, State's Exhibit 2 that was presented at the sentencing hearing on July 1, 2021, in the above-entitled matter. This Motion is made pursuant to NRAP 30(d) because the exhibit is a USB Drive containing a video of the underlying incident in this case and it is incapable of being reproduced in the Appendix.

The defendant has referred to the video in its opening brief and the State intends to do the same in its response. Part of the defendant's argument is that the sentence the district court imposed was not justified when considering the mitigating evidence that was presented at the sentencing hearing. But to truly judge whether there was error by the court in imposing a maximum sentence for

voluntary manslaughter, this Court must view the video of the incident and see what the State has argued is an aggravated level of brutality. Words in a transcript cannot nearly convey this concept in the way the video of the incident does.

Therefore, the State requests that this Court direct the district court clerk to transmit the State's Exhibit 2 to this Court.

DATED this 28th day of April, 2022.

MARK B. JACKSON  
Douglas County District Attorney

By: /s/ Erik A. Levin  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document, **MOTION TO TRANSMIT EXHIBIT**, was filed electronically with the Nevada Supreme Court on the 28th day of April, 2022. Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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