

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

**JOAN KATHRYN WENGER,**  
**Appellant,**

**vs.**

**THE STATE OF NEVADA,**  
**Respondent.**

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Electronically Filed  
Case No. 84003  
Jul 29 2022 12:06 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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**APPELLANT'S REPLY BRIEF**  
**FIRST JUDICIAL DISTRICT COURT, CARSON CITY**

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**Nevada State Public Defender**

**SALLY DESOTO**  
**Chief Appellate Deputy**  
**Bar I.D. No. 8790**  
**511 E. Robinson St**  
**Carson City, NV 89701**  
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1 was sentenced to a more severe sentence than had been negotiated by the State.

2       The State then argued that the prosecutor reading the victim's letter could  
3 not prejudice the defendant. "In fact, it is quite reasonable to believe that the  
4 victim trying to read an emotional letter at sentencing, possibly through tears and  
5 pauses of becoming choked up with emotion would have been more detrimental to  
6 the defendant than the prosecutor reading the letter would." RB at 6.

7       The only possible reason to read the letter was to make an plea based on  
8 emotion for a longer sentence.

9       The remaining arguments are submitted on the briefs.

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2 CERTIFICATE OF COMPLIANCE

3 1. I hereby certify that this reply brief complies with the formatting  
4 requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and  
5 the type style requirements of NRAP 32(a)(6) because:

6 This reply has been prepared in a proportionally spaced typeface using  
7 Microsoft Word 2000, Version 9.0 in Times New Roman 14 pt.

8 2. I further certify that this reply brief complies with the page- or  
9 type-volume limitations of NRAP 28(a)(1)-(2) and NRAP 32(a)(7) because it is  
10 either:

11 [ ] Proportionately spaced, has a typeface of 14 points or more, and  
12 contains 1317 words; or

13 [ ] Monospaced, has 10/5 or fewer characters per inch, and contains  
14 \_\_\_ words or \_\_\_ lines of text; or

15 [ X ] Does not exceed 15 pages.

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1           3. Finally, I recognize that pursuant to NRAP 3C, I am responsible  
2 for filing a timely reply brief I therefore certify that the information provided in  
3 this reply brief is true and complete to the best of my knowledge, information and  
4 belief.

5           DATED this 28th day of July 2022.

6                               /s/ SALLY DESOTO  
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SIGNED: /s/ Dawn Wholey  
Employee of Nevada State Public Defender

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