

IN THE COURT OF APPEAL OF THE STATE OF NEVADA

TULY LEPOLO,
Appellant,
v.
THE STATE OF NEVADA,
Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court
CASE NO: 85631

MOTION TO TRANSMIT PRESENTENCE INVESTIGATION REPORT

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JOHN AFSHAR, and submits this Motion to Transmit Presentence Investigation Report.

This motion is based on the following memorandum, declaration of counsel and all papers and pleadings on file herein.

Dated this 29th day of August, 2023.

Respectfully submitted,

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

BY /s/ John T. Afshar

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

MEMORANDUM OF POINTS AND AUTHORITIES

The State seeks an order from this Court directing the clerk of the district court to transmit to this Court, under seal, Appellant's Presentence Investigation Report ("PSI") under District Court Case No. C-20-345911-1.

The State has utilized the PSI in its Answering Brief to Appellant's Appeal. The PSI is used to cite to the relevant facts surrounding the underlying offense. Given that Appellant did not proceed to trial in the underlying case, the PSI is the most thorough source of information regarding these facts. Therefore, the State requests this Court direct the district court clerk to transmit the PSI to this Court, in a sealed envelope, so that this Court may confirm that the references in the Answering Brief are accurate.

Dated this 29th day of August, 2023.

Respectfully submitted,

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

BY */s/ John T. Afshar*

JOHN T. AFSHAR
Chief 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 29th day of August, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

JEAN J. SCHWARTZER, ESQ.
Counsel for Appellant

JOHN T. AFSHAR
Chief Deputy District Attorney

/s/ J. Hall

Employee, Clark County
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JA/Tanner Castro/jh