

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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THE STATE OF NEVADA,

Plaintiff/Movee,

vs.

THOMAS WILLIAM RANDOLPH

Defendant/Movant

CA No.: 87127

Electronically Filed
District Court Case No. 2023 05:52 PM
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Elizabeth A. Brown
Clerk of Supreme Court

***STATUS UPDATE TO EMERGENCY MOTION UNDER NRAP 27(e) AND
REQUEST FOR WRIT OF MANDAMUS INFORMING THE COURT OF
THE UPDATED DATE A DECISION IS NECESSARY***

(Decision Needed by August 21, 2023)

From the Eighth Judicial District Court, Clark County
Honorable Tierra Jones, District Court Judge, Dept. 10

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STATUS UPDATE ON THE DATE OF DECISION

On August 14, 2023, immediately after receiving the court minutes detailing the trial court's oral decision, defendant and petitioner Thomas Randolph filed an emergency motion requesting the Court issue a writ of mandamus directing the trial court to allow both counsel for Mr. Randolph to argue during summation pursuant to Nevada Revised Statute 175.151. Alternatively, if the Court finds that the first or the second, permissive, section of NRS 175.151 applies, then neither the State nor the defendant is permitted to have more than one counsel argue during closing statements.

In the emergency filing, Mr. Randolph estimated when a decision would be necessary by attempting to gauge how long the trial would last. At the time of filing, defense counsel's best guess was that the trial would proceed to closing on August 25, a Friday, or August 28, a Monday. As of today, however, it is clear the trial is progressing rapidly and that summation may occur as early as August 21, 2023, a Monday.

Therefore, Mr. Randolph hereby respectfully notifies this Court that a decision on his Emergency Motion Under NRAP 27(e) is needed by the afternoon of August 21, 2023, at the latest.

DATED this 15th Day of August 2023.

RESPECTFULLY SUBMITTED

/s/ Joshua Tomsheck

Joshua Tomsheck, Esq.

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Attorney of Record for **Thomas Randolph**

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Appellate Procedure 25(c), that I am an employee of Hofland & Tomsheck, and that on this day, the 15th day of August, 2023, I filed the foregoing STATUS UPDATE TO EMERGENCY MOTION UNDER NRAP 27(e) AND REQUEST FOR WRIT OF MANDAMUS with the Clerk of the Nevada Supreme Court and served the aforementioned document by personal service upon the following:

The Hon. Tierra Jones
Department 10
Clark County District Court
Las Vegas, Nevada 89101

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/s/ Sarah Daniels

An employee of Hofland &
Tomsheck