

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

STATE OF NEVADA,

Appellant,

vs.

JAMES WALTER  
DEGRAFFENREID III,  
DUWARD JAMES HINDLE  
III, JESSE REED LAW,  
MICAHEL JAMES  
MCDONALD, SHAWN  
MICHAEL MEEHAN, EILEEN  
A. RICE,

Respondents.

**CASE NO.** 89064

**Dist. Court No.**

C-23-379122-1

C-23-379122-2

C-23-379122-3

C-23-379122-4

C-23-379122-5

C-23-379122-6

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**APPELLANT STATE OF  
NEVADA'S MOTION FOR  
TRANSMISSION OF PHYSICAL  
EXHIBITS**

Under NRAP 10(b)(2) and NRAP 30(d), Appellant State of Nevada moves this Court for an order directing transmission of two video exhibits, and audio exhibit, and two paper exhibits filed with the district court:

- (1) Grand Jury Exhibit 6A: flash drive containing video file of footage from Right Side Broadcasting of the GOP Electors Ceremony outside the Nevada Legislature on December 14, 2020;
- (2) Exhibit 1 and Exhibit 2 to Opposition to Defendants' Motion to Dismiss: paper copies of phone records for two GOP Electors filed under seal in the district court on February 8, 2024;

- (3) Exhibit B to Joint Memorandum of Points and Authorities in Support of Defendants' Petitions for Writ of Habeas Corpus: thumb drive containing video files of proffer conducted with Kenneth Chesebro filed in the district court on January 29, 2024; and
- (4) Exhibit B to Joint Reply to Opposition to Motion to Dismiss: thumb drive containing audio file of interview with Debra Kempf filed in the district court on February 13, 2024.

This Court should order transmission of the foregoing exhibits. First, Grand Jury Exhibit 6A is a flash drive containing a video file of the signing ceremony the GOP Electors conducted outside the Nevada Legislature on December 14, 2020, obtained from Right Side Broadcasting. The State presented this video to the grand jury, 1-APP-0043, 0049, and it is necessary to this Court's consideration of the State's argument that the State presented the grand jury with sufficient circumstantial evidence to establish venue in Clark County under NRS 171.03. *See* Appellant State of Nevada's Opening Brief at Argument V.

Second, Exhibit 1 and Exhibit 2 to the Opposition to Defendants' Motion to Dismiss are confidential phone records for two of the GOP

Electors, showing their whereabouts in the days preceding December 14, 2020. 2-APP-0453, 0457. The district court granted the State’s unopposed motion to file those records under seal. 2-APP-0467–0468; 5-APP-1163. The State did not include those documents in the Appendix because Rule 7 of the Nevada Rules for Sealing and Redacting Court Records states that “[c]ourt records sealed in the trial court shall be sealed from public access in the Nevada Supreme Court subject to further order of that court,” and the district court granted the State’s unopposed motion to file those exhibits under seal. 5-APP-0466–0468, 1163. The exhibits to the Opposition to the Motion to Dismiss are necessary to this Court’s consideration of the State’s argument that any shortcoming in the State’s evidence on the matter of venue should be treated as a harmless error because these two exhibits show that the State has the necessary evidence to prove venue at trial under NRS 171.030. *See* Appellant State of Nevada’s Opening Brief at Argument VII(B).

Finally, the two remaining exhibits are the subject of the GOP Electors’ motion for transmission of exhibits, which they filed with their response to the State’s motion for expedited consideration of the appeal. Although that motion fails to present a proper basis for transmission and

appears to seek relief inconsistent with the process for seeking transmission of physical exhibits,<sup>1</sup> the State chose not to oppose that motion because transmission of the exhibits is likely proper for other reasons: consideration of arguments the State expects the GOP Electors to make in their answering brief. In furtherance of the State's desire that this appeal move forward expeditiously and to avoid unnecessary delay that might result from any denial of the GOP Electors' motion, the State separately moves this Court for an order directing transmission of those exhibits consistent with NRAP 10(b)(2) and NRAP 30(d).

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<sup>1</sup>The GOP Elector's representations in their motion are inconsistent the rules governing transmission of physical exhibits. As this Court is aware, parties do not submit the physical exhibits to the Court—by hand-delivery or mail—as the GOP Electors indicated they would do through their motion; when transmission is ordered under NRAP 10(b)(2) and NRAP 30(d), the district court clerk transmits the original physical exhibits to this Court.

For the foregoing reasons, this Court should issue an order directing the district court clerk to transmit the exhibits listed on pages 1 and 2 of this motion for this Court's consideration of this appeal.

RESPECTFULLY SUBMITTED this 4th day of September 2024.

AARON D. FORD  
Attorney General

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## CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Nevada Attorney General's Office, and pursuant to NRAP 25(b) and NEFCR 9 I electronically filed the foregoing **APPELLANT STATE OF NEVADA'S MOTION FOR TRANSMISSION OF PHYSICAL EXHIBITS** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing System (Eflex) on September 4, 2024. Participants in the case who are registered with Eflex as users will be served by the Eflex system.

I further certify that based on written consent a copy of the same was served by electronic mail at the following address:  
gkelesis@bckltd.com.

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Las Vegas, NV 89101

/s/ Amanda White  
Amanda White  
AG Supervising Legal Secretary