

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
SEP 02 2014 09:50 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

| | | |
|-----------------------|---|----------------|
| DIPAK KANTILAL DESAI, |) | CASE NO. 64591 |
| |) | |
| Appellant, |) | |
| |) | |
| vs. |) | |
| |) | |
| THE STATE OF NEVADA, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

APPELLANT'S SUPPLEMENTAL APPENDIX

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INDEX TO SUPPLEMENTAL APPENDIX

DOCUMENT

PAGE(S)

Letter Dated March 1, 2013

- Court Exhibit to Hearing of 3/7/13. 000001-000004

Defendant's Exhibit W1

- Entered on 6/26/13..... 000005-000006

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March 1, 2013

The Honorable Valerie Adair
District Court Judge, Department 21
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89101

Hand-Delivered

Michael V. Staudaher
Chief Deputy District Attorney
Major Violators Unit
301 East Clark Place
10th Floor
Las Vegas, NV 89155

**RE: Client's Present Incapacity
State v. Dipak Desai, Consolidated Case Nos. C -12-283381 and C265107**

Dear Judge Adair and Mr. Staudaher:

I am writing to inform you that Dr. Desai suffered another stroke which has further aggravated his inability to assist in his defense.

Early in the morning of Sunday, February 24, 2013, Dr. Desai suffered a stroke and was transported by ambulance to Summerlin Hospital. He was placed in the Intensive Care Unit from Sunday to Wednesday. On Wednesday, he was transferred to the Intermediate Care Unit. He was discharged earlier this afternoon and returned home where he will receive constant monitoring and care by family members.

Neurological imaging and testing confirmed that Dr. Desai suffered acute multifocal infarction, which affected multiple areas of his brain. He has been administered various medications and therapists have been evaluating and treating him. He will require substantial outpatient treatment and follow-up as recommended by his neurologist and other providers.

I visited with my client on three occasions this week. Based on my observations, his speech has been severely affected, as he was unable to converse or speak recognizable words during my visits. As an officer of the court, I can tell you that Dr. Desai does not have the present ability to assist in his defense. This stroke has further exacerbated his inability to assist in his defense. My understanding is that there is additional and severe damage to the areas of the brain controlling executive functions, including speech, memory, and cognition. I understand that this new stroke is a symptom of a progressive and deadly condition from which he is unlikely to recover.

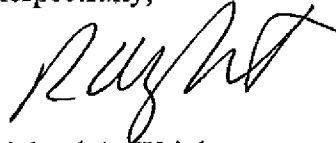
I believe that it will be necessary to stay the proceedings and appoint competency evaluators pursuant to NRS 178.405 and 178.415. Out of concern for my client's health and respect for his family, I request that his health care information remain confidential for the time being to afford him time to recuperate. We are awaiting receipt of his hospital records, which we will promptly provide to both the Court and Mr. Staudaher. Upon receipt of the records, the

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The Honorable Valerie Adair
Michael V. Staudaheer
March 1, 2013
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competency issue can be more fully addressed. In the meantime, I am glad to meet and confer with you to discuss procedural issues.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Wright", with a stylized flourish at the end.

Richard A. Wright

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March 6, 2013

The Honorable Valerie Adair
District Court Judge, Department 21
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89010

Hand-Delivered

RE: Request to Waive Client's Presence
State v. Dipak Desai, Consolidated Case Nos. C -12-283381 and C265107

Dear Judge Adair:

I request that you waive Dr. Desai's presence at tomorrow's status check hearing based on the attached letter of his treating neurologist, Venkat Veerappan, M.D. Due to the multifocal stroke suffered last week, Dr. Desai is weak and vulnerable to reoccurrence of another cerebral vascular episode.

Respectfully,



Richard A. Wright

Attach. Veerappan Letter, 5/6/13

cc: Michael Stauderhar (w/ attch)
Chief Deputy District Attorney



Desert Neurology

Venkat Veerappan, M.D. M.R.C.P.
Clinical Associate Professor, Touro University
Neurology Residency Program Director
Stroke Director, Valley Hospital

Neurology Residents

Shahreh Bonyadi D.O.
Laura Marcu Buck D.O.
Robert Balsiger D.O.
May Mahajan D.O.
Anthony DiCamillo D.O.
Lyndi Tran D.O.

Diagnostic Testing

Cognitive Testing
DBS Interrogation
EEG - Ambulatory
EEG - Routine
Evoked Potentials
Nerve Conduction Studies/EMG
Sleep Studies
VNS Interrogation

Office Location

Goldring Medical Plaza
2020 Goldring Avenue, Suite 202
Las Vegas, NV 89106

Phone: (702) 732-2600
Fax: (702) 732-2622
Email: desertneurology@yahoo.com

March 6, 2013

To whom it may concern:

I am Dr. Desai's neurologist and have been since 2007, and was his treating physician during his recent hospital stay at Summerlin Hospital Medical Center. Dr. Desai suffered a multifocal ischemic stroke within the left cerebral hemisphere. This had caused him to be confused, disoriented, and has expressive language problems, with left arm and leg weakness. He needs to have therapy for language, physical, and occupational therapy. In my professional opinion, I believe that Dr. Desai is not in a position, both physically and mentally, to make a court appearance so soon after his stroke; as this would place excessive strain on his recovery and may lead to recurrence of another cerebral vascular event.

Thank you,



Venkat Veerappan, M.D.M.R.C.P.

PROPOFOL COSTS ANALYSIS

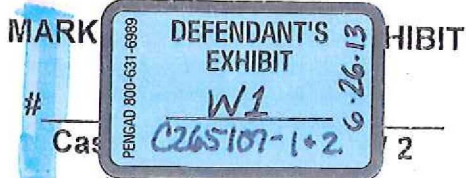
BAXTER

| | | |
|-------------------------------|--|-----------------------------|
| Jan. - Feb. '06 | | Jan. - Feb. '06 |
| <u>20 ML</u> | | <u>50 ML</u> |
| \$132.50 per pack | | \$265 per pack |
| 25 vials per pack | | 20 vials per pack |
| | | |
| <u>\$132.50</u> = \$5.30/vial | | <u>\$265</u> = \$13.25/vial |
| 25 vials | | 20 vials |
| | | |
| <u>\$5.30</u> = \$0.265/ml | | <u>\$13.25</u> = \$0.265/ml |
| 20ml | | 50ml |

| | | |
|------------------------------|--|-------------------------------|
| Sept. '06 | | Sept. '06 |
| <u>20 ML</u> | | <u>50 ML</u> |
| \$75.00 per pack | | \$150.00 per pack |
| 25 vials per pack | | 20 vials per pack |
| | | |
| <u>\$75.00</u> = \$3.00/vial | | <u>\$150.00</u> = \$7.50/vial |
| 25 vials | | 20 vials |
| | | |
| <u>\$3.00</u> = \$0.15/ml | | <u>\$7.50</u> = \$0.15/ml |
| 20ml | | 50ml |

| | | |
|------------------------------|--|-------------------------------|
| Oct. '06 | | Oct. '06 |
| <u>20 ML</u> | | <u>50 ML</u> |
| \$73.75 per pack | | \$147.60 per pack |
| 25 vials per pack | | 20 vials per pack |
| | | |
| <u>\$73.75</u> = \$2.95/vial | | <u>\$147.60</u> = \$7.38/vial |
| 25 vials | | 20 vials |
| | | |
| <u>\$2.95</u> = \$0.1475/ml | | <u>\$7.38</u> = \$0.1476/ml |
| 20ml | | 50ml |

| | | |
|------------------------------|--|----------------------------|
| Nov. '06 - Apr. '07 | | Nov. '06 - Apr. '07 |
| <u>20 ML</u> | | <u>50 ML</u> |
| \$66.50 per pack | | \$133 per pack |
| 25 vials per pack | | 20 vials per pack |
| | | |
| <u>\$66.50</u> = \$2.66/vial | | <u>\$133</u> = \$6.65/vial |
| 25 vials | | 20 vials |
| | | |
| <u>\$2.66</u> = \$0.133/ml | | <u>\$6.65</u> = \$0.133/ml |
| 20ml | | 50ml |



PROPOFOL COSTS ANALYSIS

| | | |
|------------------------------|--|-------------------------------|
| May '07 | | May '07 |
| <u>20 ML</u> | | <u>50 ML</u> |
| \$60.00 per pack | | \$120.00 per pack |
| 25 vials per pack | | 20 vials per pack |
| | | |
| <u>\$60.00</u> = \$2.40/vial | | <u>\$120.00</u> = \$6.00/vial |
| 25 vials | | 20 vials |
| | | |
| <u>\$2.40</u> = \$0.12/ml | | <u>\$6.00</u> = \$0.12/ml |
| 20ml | | 50ml |

| | | |
|------------------------------|--|-------------------------------|
| Jun. '07 | | Jun. '07 |
| <u>20 ML</u> | | <u>50 ML</u> |
| \$59.25 per pack | | \$118.60 per pack |
| 25 vials per pack | | 20 vials per pack |
| | | |
| <u>\$59.25</u> = \$2.37/vial | | <u>\$118.60</u> = \$5.93/vial |
| 25 vials | | 20 vials |
| | | |
| <u>\$2.37</u> = \$0.1185/ml | | <u>\$5.93</u> = \$0.1186/ml |
| 20ml | | 50ml |

McKESSON

| | | |
|------------------------------|--|-------------------------------|
| Sept. '07 - Feb. '08 | | Aug. '07 - Jan. 2, '08 |
| <u>20 ML</u> | | <u>50 ML</u> |
| \$57.00 per box | | \$114.00 per case |
| 25 vials per box | | 20 vials per case |
| | | |
| <u>\$57.00</u> = \$2.28/vial | | <u>\$114.00</u> = \$5.70/vial |
| 25 vials | | 20 vials |
| | | |
| <u>\$2.28</u> = \$0.114/ml | | <u>\$5.70</u> = \$0.114/ml |
| 20ml | | 50ml |