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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIPAK KANTILAL DESAI)	
Appellant,)	Supreme Court No. 64591
)	
vs.)	
)	
THE STATE OF NEVADA,)	
Respondent)	
_____)	

Motion for Substitution of Personal Representative for Deceased Appellant

Comes now Kusum Desai, who has been appointed by the Eighth Judicial District Court to serve as the personal representative of the Appellant, Dipak Kantilal Desai, and moves the court to substitute Kusum Desai as the Appellant in this appeal. The order appointing Kusum Desai as personal representative of the Appellant is attached.

This motion is made pursuant to NRAP 43(1) and Brass v. State,

___Nev.___, 325 P.3d 1256, 1258 (2014). This court has determined that it will allow “a deceased criminal defendant’s direct appeal to continue upon proper substitution of a personal representative pursuant to NRAP 43 when justice so requires.”

This appeal raises important issues of first impression. Some of those issues are of constitutional importance. Briefing and argument have been completed in the case. Justice requires this appeal to continue so those issues can be resolved.

Dated this 6th day of June, 2017.

LAW OFFICE OF FRANNY FORSMAN

/s/ Franny Forsman
Franny A. Forsman
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on March 27, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Ryan J. MacDonald, Deputy District Attorney
Clark County

Adam Paul Laxalt, Attorney General
State of Nevada

Dated this 6th day of June, 2017

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FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 30 2017

BY Jill M Chambers
JILL M CHAMBERS, DEPUTY

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7 DISTRICT COURT
8 CLARK COUNTY, NEVADA
9

10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 DIPAK DESAI, #1240942,

14 Defendant.
15

CASE NO.: C265107
DEPT. XXI

16 ORDER APPOINTING PERSONAL REPRESENTATIVE (~~PROPOSED~~)

17 This matter having been heard by this court on May 30, 2017, and good cause appearing,

18 IT IS HEREBY ORDERED that Kusum Desai, is appointed as the personal representative
19 of Dipak Kantilal Desai for the purpose of prosecuting Appeal No. 64591 currently pending before
20 the Supreme Court of Nevada. Further, she shall associate Richard A. Wright as co-representative
21 pursuant to NRS 139.010(4)(a).

22 Dated this 30 day of May, 2017.

23
24 Valerie Adair
JUDGE VALERIE ADAIR
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10C265107-1
ORDER
Order
4653006

