No. _____

_____

IN THE SUPREME COURT OF THE UNITED STATES

_____

CAMERON THOMAS, Petitioner

v.

THE STATE OF NEVADA, Respondent

_____

On Petition for Writ of Certiorari to the
Supreme Court of the State of Nevada

_____

APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE NEVADA SUPREME COURT

VOLUME 3

_____

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

CAMERON THOMAS, Appellant, vs. THE STATE OF NEVADA, Respondent.	S.C. CASE NO. 71044

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

PETITION FOR REHEARING

Appellant Cameron Thomas hereby petitions this Court for Rehearing pursuant to NRAP 40(c)(2), following this Court's Order of Affirmance, filed January 4, 2019. "The court may consider rehearing in the following circumstances: (A) When the court has overlooked or misapprehended a material fact in the record or a material question of law in the case, or (B) When the court has overlooked, misapplied or failed to consider a statute, procedural rule, regulation or decision directly controlling a dispositive issue in the case." NRAP 40(c)(2).

I. REHEARING IS WARRANTED AS THIS COURT'S DECISION OVERLOOKED A MATERIAL QUESTION OF LAW IN THE CASE AS WELL AS OVERLOOKED DECISIONS CONTROLLING AN ISSUE IN THIS CASE.

Unusually, this Court's Order Affirming in Part, Reversing in Part and Remanding, has entirely overlooked Mr. Thomas' first issue complaining that he was denied the right to his theory of defense. In the Opening Brief (Argument One) was captioned as follows: Mr. Thomas was denied his fundamental right to present a theory of defense in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

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Mr. Thomas bitterly complained that he had been denied a fundamental constitutional right to present a valid theory of defense. The argument was fully developed and was approximately seventeen pages of the Opening Brief (p. 15-32). More importantly, Mr. Thomas relied extensively on clearly established United States Supreme Court case law. Mr. Thomas cited to: Chambers v. Mississippi, 410 U.S. 284 (1973), Washington v. Texas, 388 U.S. 14, 23 (1967), Davis v. Alaska, 415 U.S. 308 (1974), California v. Trombetta, 467 U.S. 479 (1984), Crane v. Kentucky, 476 U.S. 683, 690 (1986), In re Oliver, 333 Us. 257, 237 (1948), Grannis v. Ordean, 234 U.S. 385, 394 (1914), California v. Trombetta, 467 U.S. 479 (1984), and United States v. Vamezuela-Bernal, 458 U.S. 858 (1982) (Opening Brief, p. 17-18). Additionally, Mr. Thomas dedicated a subsection of the argument to United States Supreme Court's decision in Nevada v. Jackson, 569 U.S. 505, 133 S. Ct. 1990 (2013) (Opening Brief p. 31).

Again, in the Reply Brief, Mr. Thomas dedicated approximately seven pages to the argument that Mr. Thomas was denied his fundamental constitutional right to present a theory of defense. Within the Reply, Mr. Thomas extensively cited to the United States Supreme Court's decision in Nevada v. Jackson.

Counsel has carefully reviewed this Court's decision on several occasions and can find absolutely no mention of this issue. Nor does the decision in any way consider the reasoning of the United States Supreme Court's decisions and how they relate to this case. It appears unusual that this Court has not addressed Mr. Thomas' main issue in the decision. For Mr. Thomas to raise this issue in federal court, he must be able to demonstrate that a state court's decision is contrary to law clearly established by the Supreme Court only if it applies a rule that contradicts the governing law set forth in supreme court case law or if the decision confronts a set of facts that are materially indistinguishable from a Supreme Court decision but arrives at a different result. E.g. Mitchell v. Esparza, 540 U.S. 12, 15–16 (2003). A state court decision is not contrary to clearly

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established federal merely because it does not cite to Supreme Court decisions. Id. Indeed, the Supreme Court has held that a state court need not even be aware of its precedence so long as neither the reasoning nor the result of the decision contradicts them. Id. Moreover "a federal court may not overrule a state court for simply holding a view different from its own when the precedent from the Supreme Court is at best, ambiguous." Id. at 16.

A state court decision constitutes "unreasonable application" of clearly established federal law only if it is demonstrated that the state court's application of Supreme Court precedent to the facts of the case was not incorrect but "objectively unreasonable". E.g. Id. at 18; Davis v. Woodford, 384 F.3d 628, 638 (9th Cir. 2004). To the extent that the state court's factual findings are challenged, "the unreasonable determination of fact" clause of section 2254(d)(2) controls on federal habeas review. E.g. Lambert v. Blodgett, 393 F. 3d 943, 972 (9th Cir. 2004).

At this point, there is nothing in this Court's decision providing any analysis regarding this issue. Mr. Thomas even provided a subsection of the issue demonstrating that the prosecutor in closing argument made repeated comments that were completely in opposite to the truth of the case. This Court's decision is completely void of any decision or analysis on this issue. Mr. Thomas vehemently argued that the violations that occurred in his trial were more significant than the defendant in Nevada v. Jackson. Without rehearing, Mr. Thomas will be forced to argue to the federal courts that this Court has provided an obviously unreasonable application of clearly established federal law because the Court has failed to address the issue in its entirety.

Moreover, it is especially unusual that this Court did not address this issue in its decision given that the issue was addressed at oral argument. In fact, a review of the oral argument reminds Mr. Thomas that Justice Cherry further established the constitutional violation suffered by Mr. Thomas when he asked

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the prosecutor if evidence presented to the jury was false. During oral argument, the prosecutor made an admission to this Court that portions of the evidence presented to the jury was false.[1] This was not addressed in the Court's decision. At the time that the prosecutor made this admission during oral argument, Mr. Thomas believed that this would amount to a reversal based upon an admission of falsehood surrounding argument number one.

Therefore, based upon the above and foregoing, Mr. Thomas respectfully requests this Court grant Rehearing and thereafter find he is entitled to a reversal of his convictions.

CONCLUSION

For the foregoing reasons, Mr. Thomas requests this Court grant his Petition for Rehearing.

DATED this 24th day of January, 2019.

Respectfully submitted by:

/s/ Christopher R. Oram, Esq.
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[1] See https://nvcourts.gov/Supreme/Arguments/Recordings/THOMAS_(CAMERON)_vs__STATE/. (Justice Cherry questioned the prosecutor as to why information in opposite to the truth was presented to the jury when the defense wanted to present the truth. Justice Cherry posed the following: "But it's not true, she was called to the principal's office because she alleged her mother beat her." The prosecutor responded, "Correct.") (Oral argument recording at 37:50).

CERTIFICATE OF COMPLIANCE

I hereby certify that this petition for rehearing complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because it has been prepared in a proportionally spaced typeface using Word Perfect Times New Roman 14 font.

I further certify that this brief complies with the page limitations of NRAP 40 because it does not exceed ten (10) pages, to wit, four (4) pages.

Dated this 24th day of January, 2019.

Respectfully submitted,

/s/ Christopher R. Oram, Esq.

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 24, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

STEVE OWENS
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

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/s/ Nancy Medina
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EXHIBIT F

Petition for En Banc Reconsideration pgs. 230-237

Order Directing Answer to Petition for En Banc Reconsideration pg. 238

Answer to Petition for En Banc Reconsideration pgs. 239-246

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

CAMERON THOMAS, Appellant, vs. THE STATE OF NEVADA, Respondent.	S.C. CASE NO. 71044

Electronically Filed
Mar 14 2019 03:01 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

PETITION FOR EN BANC RECONSIDERATION

Comes now, Appellant Cameron Thomas, by and through his counsel, Christopher R. Oram, Esq., and hereby petitions this Court for En Banc Reconsideration of the opinion issued by a Panel of this Court on January 4, 2019. This Petition is based on the following argument and all papers and pleadings on file herein.

Dated this 14th day of March, 2019.

Respectfully submitted,

/s/ Christopher R. Oram, Esq.

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I. JURISDICTION

This Court may consider a Petition for En Banc Reconsideration when:

1) Reconsideration by the full court is necessary to secure or maintain uniformity of its decisions; or
2) The proceeding involves a substantial precedential, constitutional, or public policy issue. NRAP 40.

This Court has jurisdiction to hear this Petition as it is timely filed.

II. ARGUMENT

En Banc reconsideration is warranted by the full Court in this case to preserve precedential uniformity as well as because the case involves a substantial constitutional issue that must be addressed. "En banc reconsideration is appropriate when needed to preserve precedential uniformity or the matter presents issues involving substantial precedential, constitutional or public policy value." Choy v. Ameristar Casinos, Inc., 128 Nev. 323, 279 P.3d 191, 192 (2012) (citing, NRAP Rule 40A(a)).

Within the Order Affirming in Part, Reversing in Part and Remanding, the panel has entirely overlooked Mr. Thomas' first issue complaining that he was denied the constitutional right to present his theory of defense in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution. In this case, Mr. Thomas only desired what the constitution guarantees him – the right to present his theory of defense.

There is uncontradicted evidence that the following events took place surrounding Z.F.'s non-spontaneous statements to the school official. The authorities had become aware that April was committing acts of child abuse upon Z.F., which included whipping Z.F. with an electrical cord (A.A. Vol. 13 p. 1633-1638). It was uncontradicted that the child abuse case against April was substantiated (A.A. Vol. 13 p. 1638). Z.F. was called to the school official's office so that law enforcement could question her regarding April's child abuse.

Based upon this information, Mr. Thomas intended to argue that Z.F.

deflected attention away from her mother's potential criminal liability and offered authorities another direction: Z.F. deflected in order to spare her mother. Mr. Thomas' theory of the case was simply to let the truth unfold in front of the jury and argue that the truth proved the necessary bias to explain the non-spontaneous allegations by Z.F. The truth was that Z.F. was called into the principal's office regarding her mother's violent physical abuse. This was Mr. Thomas intended theory of the case.

Yet, instead of the truth, the district court presented a story to the jury implying the allegation was completely spontaneous. In fact, the district court stated, "you know what, I don't know how to get out of the context where you get called to the principal's office." (A.A. Vol. 16, p. 2397). The answer to the question was simple, let Mr. Thomas tell the truth as that was his theory of defense. Instead, testimony was presented by April that there was no "animosity" at the time prior to Z.F's disclosure (A.A. Vol. 23 p. 3910). The prosecutor explained to the jury that the family was getting along and there had been no fights or disagreements when Z.F. was brought into the principal's office (A.A. Vol. 23 p. 3710-3711). In fact, the State mocked the defense for their lack of viable motive for Z.F. to fabricate the story (A.A. Vol. 23 p. 3918, 4024). Throughout the trial and extensively in closing argument, the jury was hopelessly misled and Mr. Thomas was not allowed to present his theory of defense – the truth.

Mr. Thomas had a right to present a reasonable inference that April had manipulated her daughters into fabricating these allegations in order to deflect punishment away from her physical abuse and directly onto Mr. Thomas. The fact that April was abusing Z.F. was admissible because "extrinsic evidence relevant to prove a witness's motive to testify in a certain way, i.e., bias, interest, corruption or prejudice, is never collateral to the controversy..." See, Lobato v. State, 120 Nev. 512, 96 P. 3d 765 (2004). See also, Nevada v. Jackson, 569 U.S.

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505, 133 S. Ct. 1990, 186 L. Ed. 2d 62 (2013).

Throughout the briefing before the Court, Mr. Thomas presented voluminous citations to clearly established federal law. Specifically, Mr. Thomas cited to Chambers v. Mississippi, 410 U.S. 284 (1973), Washington v. Texas, 388 U.S. 14, 23 (1967), Davis v. Alaska, 415 U.S. 308 (1974), California v. Trombetta, 467 U.S. 479 (1984), Crane v. Kentucky, 476 U.S. 683, 690 (1986), In re Oliver, 333 Us. 257, 237 (1948), Grannis v. Ordean, 234 U.S. 385, 394 (1914), California v. Trombetta, 467 U.S. 479 (1984), United States v. Vamezuela-Bernal, 458 U.S. 858 (1982) and Nevada v. Jackson, 569 U.S. 505, 133 S. Ct. 1990 (2013) (Opening Brief, p. 17-18, 31). Despite this, the Court has failed to even mention, let alone analyze, this substantial constitutional issue. As such, en banc reconsideration is necessary to secure uniformity within this Court's decisions by addressing the matter, and also because the proceedings involves a substantial constitutional issue.

For Mr. Thomas to raise this issue in federal court, he must be able to demonstrate that a state court's decision is contrary to law clearly established by the Supreme Court only if it applies a rule that contradicts the governing law set forth in supreme court case law or if the decision confronts a set of facts that are materially indistinguishable from a Supreme Court decision but arrives at a different result. E.g. Mitchell v. Esparza, 540 U.S. 12, 15–16 (2003). A state court decision is not contrary to clearly established federal merely because it does not cite to Supreme Court decisions. Id. Indeed, the Supreme Court has held that a state court need not even be aware of its precedence so long as neither the reasoning nor the result of the decision contradicts them. Id. Moreover "a federal court may not overrule a state court for simply holding a view different from its own when the precedent from the Supreme Court is at best, ambiguous." Id. at 16.

A state court decision constitutes "unreasonable application" of clearly established federal law only if it is demonstrated that the state court's application

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of Supreme Court precedent to the facts of the case was not incorrect but "objectively unreasonable". E.g. Id. at 18; Davis v. Woodford, 384 F.3d 628, 638 (9th Cir. 2004). To the extent that the state court's factual findings are challenged, "the unreasonable determination of fact" clause of section 2254(d)(2) controls on federal habeas review. E.g. Lambert v. Blodgett, 393 F. 3d 943, 972 (9th Cir. 2004).

At this point, there is nothing in the panel's decision providing any analysis regarding this important constitutional issue. Mr. Thomas even provided a subsection of the issue demonstrating that the prosecutor in closing argument made repeated comments that were completely in opposite to the truth of the case. This Court's decision is completely void of any decision or analysis on this issue. Mr. Thomas vehemently argued that the violations that occurred in his trial were more significant than the defendant in Nevada v. Jackson. Without en banc reconsideration by this Court, Mr. Thomas will be forced to argue to the federal courts that this Court has provided an obviously unreasonable application of clearly established federal law because the Court has failed to address the issue in its entirety.

In this case, the district court abused its discretion and gave no latitude to Mr. Thomas to introduce his theory of defense and the truth. As can be demonstrated based upon the information above, the panel's opinion fundamentally undermines the appellate process as a whole because the panel has failed to even address Mr. Thomas' most substantial constitutional argument. The panel's opinion in failing to address the issue is in direct conflict with established law of not only this Court, but also of clearly established federal law.

Therefore, based upon the above and foregoing, Mr. Thomas respectfully requests this Court grant his request for En Banc reconsideration and thereafter find he is entitled to a reversal of his convictions due to the district court's abuse of discretion in failing to allow Mr. Thomas to present his theory of defense.

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CONCLUSION

For the foregoing reasons, Mr. Thomas respectfully submits that En Banc Reconsideration should be granted

DATED this 14th day of March, 2019.

Respectfully submitted by:

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CERTIFICATE OF COMPLIANCE

I hereby certify that this Petition for En Banc Reconsideration complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because it has been prepared in a proportionally spaced typeface using Word Perfect Times New Roman 14 font.

I further certify that this brief complies with the page limitations of NRAP 40 because it does not exceed ten (10) pages, to wit, six (6) pages.

Dated this 14th day of March, 2019.

Respectfully submitted,

/s/ Christopher R. Oram, Esq.

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on March 14, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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IN THE SUPREME COURT OF THE STATE OF NEVADA

CAMERON THOMAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71044

FILED

MAY 13 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DIRECTING ANSWER TO PETITION FOR EN BANC RECONSIDERATION

Appellant has petitioned this court for en banc reconsideration of the Order Affirming in Part, Reversing in Part, and Remanding entered by a panel of this court on January 4, 2019. Having reviewed the petition, it appears that an answer will assist the court in resolving the issues presented. Accordingly, respondent shall have 14 days from the date of this order within which to file and serve an answer to the petition. *See* NRAP 40A. We stay issuance of the remittitur in this appeal pending resolution of the petition for en banc reconsideration.

It is so ORDERED.

_____, C.J.

cc: Law Office of Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
May 14 2019 10:11 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CAMERON THOMAS,
Appellant,
v.
THE STATE OF NEVADA,
Respondent.

CASE NO: 71044

ANSWER TO PETITION FOR EN BANC RECONSIDERATION

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JONATHAN E. VANBOSKERCK, and submits this Answer to Petition for En Banc Reconsideration in obedience to this Court's Order filed on May 10, 2019. This answer is based on the following memorandum and all papers and pleadings on file herein.

Dated this 14th day of May, 2019.

Respectfully submitted,

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

BY */s/ Jonathan E. VanBoskerck*
JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528
Office of the Clark County District Attorney

MEMORANDUM
ARGUMENT

This Court need not indulge Appellant's demand for en banc reconsideration of the Order Affirming in Part, Reversing in Part, and Remanding, filed January 4, 2019 (Order). The Panel's decision did not implicate substantial precedential, constitutional or public policy concerns. Nor was the Panel's decision inconsistent with precedent. Instead, the Panel's decision was based on Appellant's failure to transmit a reviewable record. Regardless, the outcome was correct even if the Panel erred. Finally, federal collateral review is irrelevant and should not be considered by this Court.

"En banc reconsideration of a panel decision is not favored … except when (1) reconsideration by the full court is necessary to secure or maintain uniformity of its decisions, or (2) the proceeding involves a substantial precedential, constitutional or public policy issue." Nevada Rules of Appellate Procedure (NRAP) Rule 40A(a). This Court has granted en banc reconsideration when necessary to clarify and extend existing precedent or to reconcile it with statutory authority. See e.g., Bass-Davis v. Davis, 122 Nev. 442, 134 P.3d 103 (2006); City of Las Vegas v. Walsh, 121 Nev. 899, 124 P.3d 203 (2005); Ronning v. State, 116 Nev. 32, 992 P.2d 260 (2000). En Banc reconsideration is unwarranted where legal opinions are consistent. Skender v. Brunsonbuilt Const. and Development Co., 123 Nev. __, __, 171 P.3d 745, 746

(2007). "The function of en banc hearings is not to review alleged errors for the benefit of losing litigants." U.S. v. Rosciano, 499 F.2d 173, 174 (7th Cir. 1974).

Appellant argues that "the [P]anel has entirely overlooked Mr. Thomas' first issue complaining that he was denied the constitutional right to present his theory of defense[.]" (Petition for En Banc Reconsideration, filed March 14, 2019, p. 2). Appellant points out that "authorities had become aware that April [Reed] was committing acts of child abuse upon Z.F., which included whipping Z.F. with an electrical cord." Id. Based on this, Appellant "intended to argue that Z.F. deflected attention from her mother's potential criminal liability and offered authorities another direction: Z.F. deflected in order to spare her mother." Id. at p. 2-3. In the Petition for Rehearing raising the same claim Appellant alleged that "Counsel has carefully reviewed this Court's decision on several occasions and can find absolutely no mention of this issue." (Petition for Rehearing, filed January 28, 2019, p. 2).

Appellant's contention is belied by the record and thus suitable only for summary denial. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Appellant's Opening Brief raised this issue as the denial of the right to present a defense. (Appellant's Opening Brief, filed June 13, 2017, p. 15-23). The State addressed the claim as one of the preclusion of evidence. (Respondent's Answering Brief, filed November 29, 2017, p. 14-20). The Panel saw the claim as an admission

of evidence argument, but denied it regardless of how it was framed due to Appellant's failure to properly present it:

> *Thomas further argues that the district court erred in granting the State's motion to preclude evidence that Reed was abusing Z.F.*, denying his motion for independent psychological evaluations of the victims, and denying his motion to include an additional jury instruction on the presumption of innocence. *We are unable to evaluate Thomas's arguments regarding the precluded evidence* and motion for independent psychological evaluations *because he failed to provide the district court's dispositions, either in the form of orders or hearing transcripts, in order for us to determine the existence of error*. See NRAP 28(a)(10(A); NRAP 30(b)(2)-(3) (providing that appellant is required to provide all pretrial orders in its appendix); Rodriguez v. State, 117 Nev. 800, 811, 32 P.3d 773, 780 (2001) (recognizing that it is appellant's responsibility to provide this court with cogent argument supported by legal authority and reference to relevant parts of the record); Jackson v. State, 91 Nev. 155, 158, 532 P.2d 1034, 1036 (1975) (stating that the appellant has the responsibility to provide materials necessary to review the district court's decisions). Regarding his requested jury instruction, Thomas notes in [h]is opening brief that it is not error for the district court to fail to include the requested additional instruction on the presumption of innocence, and this contention is without merit. See Mason v. State, 118 Nev. 554, 559, 51 P.3d 521, 524 (2002).

Order, p. 10, footnote 3 (emphasis added).[1]

Appellant fails to address the Panel's concerns about his deficient presentation of this issue. This alone should preclude en banc reconsideration. Polk v. State, 126 Nev. 180, 184-86, 233 P.3d 357, 359-61 (2010). However, even if the Panel erroneously construed the record, review is still unwarranted because the Panel

[1] Footnote 3 of the Order starts on p. 9 and continues through p. 11; however, the quoted text is found on p. 10.

reached the correct result. Wyatt v. State, 86 Nev. 294, 290, 468 P.2d 338, 341 (1970) ("If a judgment or order … reaches the right result, although it is based on an incorrect ground, the judgment or order will be affirmed"). As explained in the State's pleading, the lower court correctly precluded the evidence that formed the building blocks of Appellant's argument. (Respondent's Answering Brief, filed November 29, 2017, p. 14-20).

Finally, federal collateral review is irrelevant to en banc reconsideration. NRAP 40A(a) ("Petitions for en banc reconsideration in criminal cases filed on the pretext of exhausting state remedies may result in the imposition of sanctions"). Regardless, Appellant's concerns regarding federal collateral review are unwarranted since the Panel did not ignore his claim. Appellant is simply unhappy that the Panel declined to reach the substance of his claim. Such subjective displeasure would not warrant federal intrusion into this Nevada criminal case. Indeed, denial of the claim on the basis of Appellant's failure to comply with the briefing requirements of this Court would amount to an independent state law ground and would preclude federal collateral review. Coleman v. Thompson, 501 U.S. 722, 729-32, 111 S. Ct. 2546, 2553-55 (1991).

CONCLUSION

Based upon the foregoing and the record before this Court, en banc reconsideration should be denied.

Dated this 14th day of May, 2019.

Respectfully submitted,

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

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CERTIFICATE OF COMPLIANCE

1. **I hereby certify** that this petition for rehearing/reconsideration or answer complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2013 in 14 point font of the Times New Roman style.
2. **I further certify** that this petition complies with the type-volume limitations of NRAP 40 or 40A because it is proportionately spaced, has a typeface of 14 points, contains 1,008 words, 92 lines of text and does not exceed 10 pages..

Dated this 14th day of May, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on May 14, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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JEV//ed