

1 convictions on Ct. 1 (Attempt Murder With Use of a Deadly Weapon in
2 Violation of Temporary Protective Order) and Ct. 3 (Battery With Use of a
3 Deadly Weapon Constituting Domestic Violence Resulting in Substantial
4 Bodily Harm in Violation of a Temporary Protective Order).

6 8. **Sentence for each count:** \$25 Admin. fee; \$150 DNA analysis
7 fee; genetic testing; Ct. 1 – 8-20 years plus a consecutive term of 5-15 years
8 for use of a deadly weapon; as to Cts. 2 and 3, habitual criminal treatment; Ct.
9 2 – 8-20 years in prison; Ct. 2 concurrent with Ct. 1; Ct. 3 – 8-20 years; Ct. 3
10 consecutive to Cts. 1 and 2; 581 days CTS.

13 9. **Date district court announced decision:** February 26, 2015.

14 10. **Date of entry of written judgment:** May 1, 2015

15 11. **Habeas corpus:** N/A.

16 12. **Tolling by Post-judgment motions:** N/A

17 13. **Notice of appeal filed:** A notice of appeal was prematurely filed
18 in District Court on March 16, 2015, prior to the entry of a written judgment
19 or order. Pursuant to NRAP 4(b)(2), “[a] notice of appeal filed after the
20 announcement of a decision, sentence or order – but before entry of the
21 judgment or order – shall be treated as filed after such entry and on the day
22 thereof.” As a result, the notice of appeal was deemed “filed” in this case on
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1 May 1, 2015, the day the District Court entered its written Order Denying
2 Defendant's Motion to Correct Illegal Sentence.

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4 **14. Rule governing the time limit for filing the notice of appeal:**
5 NRAP 4(b).

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7 **15. Statute which grants jurisdiction to review the judgment:**
8 NRS 177.015(1)(b); see also Haney v. State, 124 Nev. 408, 185 P.3d 350
9 (2008) (granting appeal from denial of motion to correct an illegal sentence).

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11 **16. Disposition below:** Order Denying Defendant's Motion to
12 Correct Illegal Sentence, filed May 1, 2015.

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14 **17. Pending and prior proceedings in this court:** Bennett Grimes
15 v. State, Case No. 62835 (filed 03/20/2013); Bennett Grimes v. State, Case
16 No. 67741 (filed 04/07/2015).

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18 **18. Pending and prior proceedings in other courts:** Bennett
19 Grimes v. State, PCR Petition, Eighth Judicial District Court, Department XII,
20 Case No. C-11-276163-1, currently pending.

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22 **19. Proceedings raising same issues.** Appellate counsel is unaware
23 of any proceedings raising the same issues raised herein.

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25 **20. Pursuant to NRAP 17, is this matter presumptively assigned**
26 **to the Court of Appeals? Identify issues or circumstances that override**
27 **any presumptive assignment to the Court of Appeals or require retention**
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1 by the Supreme Court. Issues should be identified and explained with
2 specific reference to arguments in the Fast Track Statement. This matter
3 appears to be presumptively assigned to the Court of Appeals because it is a
4 “direct appeal from a judgment of conviction that challenges only the sentence
5 imposed” pursuant to NRAP 17(b)(1). However, to the extent the Nevada
6 Supreme Court deems this case to raise “as a principal issue a question of first
7 impression involving the United States or Nevada constitution” (see Sections
8 23 and 26, *infra*), the Nevada Supreme Court should retain jurisdiction
9 pursuant to NRAP 17(a)(13).
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13 21. **Procedural history.**

14 On September 9, 2011, the State filed a three-count Information
15 charging Bennett with: (1) attempt murder with use of a deadly weapon in
16 violation of temporary protective order, (2) burglary while in violation of a
17 temporary protective order, and (3) battery with use of a deadly weapon
18 constituting domestic violence resulting in substantial bodily harm in violation
19 of a temporary protective order. (Appellant’s Appendix, Vol. I: 9-11).¹
20 Bennett pled not guilty to all charges. (I: 230; II: 266). After amending the
21 Information several times, Bennett eventually went to trial on the charges set
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27 ¹ Hereinafter, citations to the Appellant’s Appendix will start with the volume
28 number, followed by the specific page number. For example, (Appellant’s
Appendix, Vol. I: 9-11) will be shortened to (I: 9-11).

1 forth in a Third Amended Information on October 10, 2012. (I: 14-16, 65-67,
2 173-75, II: 250-51). The Third Amended Information charged Bennett with:
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4 (1) attempt murder with use of a deadly weapon in violation of a temporary
5 protective order, (2) burglary while in possession of a deadly weapon in
6 violation of a temporary protective order, and (3) battery with use of a deadly
7 weapon constituting domestic violence resulting in substantial bodily harm in
8 violation of a temporary protective order. (I:173-75).
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11 On October 15, 2012, a jury convicted Bennett of all three charges. (I:
12 211-12). On October 22, 2012, Bennett filed a Motion for New Trial. (I: 213-
13 16). After denying that motion, the District Court sentenced Bennett on
14 February 13, 2013 and filed the Judgment of Conviction on February 21,
15 2013. (I: 224-25; II: 258, 263-64). On March 8, 2013, Bennett timely filed a
16 Notice of Appeal. (I: 226).
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19 While Bennett's first direct appeal was pending, he filed a Motion to
20 Correct an Illegal Sentence in District Court on September 9, 2013. (VI: 1103-
21 30). The District Court heard oral argument on that Motion on October 3,
22 2013 and took the matter under advisement. (VI: 1169-90). Before the
23 District Court ruled on Bennett's Motion to Correct an Illegal Sentence, this
24 Court issued an Order of Affirmance, affirming Bennett's convictions on
25 February 27, 2014. (IV: 1196-1204).
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1 Almost exactly one year later, on February 26, 2015, the District Court
2 denied Bennett's Motion to Correct an Illegal Sentence. (IV: 1094). The
3 District Court entered a Written Order denying the Motion on May 1, 2015.
4 (IV: 1167). Bennett timely appealed from that Order. (IV:1231-33). See also
5 NRAP 4(b)(2).
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8 **22. Statement of facts.**

9 The State charged Bennett with two counts that were based on the same
10 underlying act: the act of "stabbing at and into the body of the said ANEKA
11 GRIMES" with a knife on July 22, 2011. (I: 173-75, 178-79; VI: 1104, 1114-
12 15). Count 1 charged Bennett with attempt murder with use of a deadly
13 weapon in violation of a temporary protective order and Count 3 charged
14 Bennett with battery with use of a deadly weapon constituting domestic
15 violence resulting in substantial bodily harm in violation of a temporary
16 protective order. (I: 173-75, 178-79; VI: 1104, 1114-15).
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20 After reviewing the Information and the crimes charged, Defense
21 Counsel advised Bennett that he could not be adjudicated and sentenced on
22 both Counts 1 and 3 because they were "redundant" under then-existing
23 Nevada Supreme Court precedent (*e.g.*, Salazar v. State, 119 Nev. 224, 70
24 P.3d 749 (2003)), because they punished the exact same criminal act: the act
25 of "stabbing at and into the body of the said ANEKA GRIMES". (VI: 1104).
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1 Additionally, during trial the District Court repeatedly stated that Bennett
2 could not be adjudicated guilty of both Counts 1 and 3. (IV: 1104).
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4 Defense Counsel did not foresee that the Nevada Supreme Court would
5 overturn Salazar v. State and reject the “redundancy” doctrine which had been
6 applied in Nevada since 2003. (IV: 1104). Indeed, during trial, Defense
7 Counsel had an opportunity to object to the verdict form and request that
8 Count 3 (battery) be listed as a lesser included offense of Count 1 (attempt
9 murder). (IV: 1104). The District Court indicated that it would have granted
10 this request had Defense Counsel made it. (IV: 1104). However, Defense
11 Counsel did not make this request because, under the law as it existed at the
12 time, Counts 1 and 3 were “redundant” and, regardless of whether they were
13 listed together on the verdict form, Bennett could not have been convicted and
14 sentenced for both crimes. (IV: 1104).
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19 A jury found Bennett guilty Counts 1 and 3 on October 15, 2012. (I:
20 211-12). Two months later, this Court issued its decision in Jackson v. State,
21 128 Nev. —, 291 P.3d 1274 (2012), overruling Nevada’s redundancy
22 doctrine. Although the redundancy doctrine was still in effect at the time of
23 Bennett’s underlying crimes, the District Court nevertheless applied Jackson
24 and sentenced Bennett to consecutive time on Counts 1 and 3 in February of
25 2013. (I: 224-25). As to Count 1 (attempt murder), the District Court
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1 sentenced Bennett to a term of 8 to 20 years plus a consecutive term of 5 to 15
2 years for the weapons enhancement. (I: 224-25). For Count 3, the District
3 Court sentenced Bennett to a term of 8 to 20 years consecutive to Counts 1
4 and 2. (I:224-25). In his Motion to Correct an Illegal Sentence, Bennett
5 argued that his redundant sentence on Count 3 was illegal under the law in
6 effect at the time the crimes were committed. (IV:1188). The District Court
7 denied Bennett's motion. (IV: 1167).

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11 23. **Issue on appeal:** Whether Jackson v. State, 128 Nev. —
12 —, 291 P.3d 1274 (2012), could be applied retroactively in a case where the
13 defendant and his attorneys relied on the redundancy doctrine to make legal
14 decisions during trial and where the application of Jackson increased the
15 defendant's sentence by an additional 8 to 20 years that would have been
16 impermissible at the time his crimes were committed?

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19 24. **Legal argument, including authorities:**

20 **A. Standard of Review/Issue on Appeal**

21 This Court will review a District Court decision denying a motion to
22 correct an illegal sentence for an abuse of discretion. Haney, 124 Nev. at 411,
23 185 P.3d at 352. As set forth herein, the District Court abused its discretion
24 by denying Bennett's motion to correct an illegal sentence, where his sentence
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1 on Count 3 was imposed in violation of the judicial *ex post facto* doctrine and
2 his constitutional right to due process.
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4 **B. The Redundancy Doctrine of Salazar v. State Governs Bennett's**
5 **Sentence in this Case.**

6 In Salazar v. State, 119 Nev. 224, 228, 70 P.3d 749, 751 (2003), the
7 Nevada Supreme Court ruled that “where a defendant is convicted of two
8 offenses that, as charged, punish the exact same illegal act, the convictions are
9 redundant” and a defendant cannot be punished for both offenses without
10 violating the Double Jeopardy Clause of the United States Constitution.
11 Described as the “redundancy doctrine”, the rule in Salazar required the courts
12 to apply a fact-based “same conduct” test (in addition to a traditional
13 Blockburger analysis) when determining the permissibility of cumulative
14 punishment under different statutes. See Jackson v. State, 291 P.3d 1274,
15 1282, 128 Nev. Adv. Op. 55, -- (2012). Under Salazar, “multiple convictions
16 factually based on the same act or course of conduct cannot stand, even if
17 each crime contains an element the other does not.” Jackson, 291 P.3d at
18 1280, 128 Nev. Adv. Op. at -- (emphasis in original). When Salazar was in
19 effect, Nevada courts were required to determine “whether the material or
20 significant part of each charge is the same even if the offenses are not the
21 same” under Blockburger. Salazar, 119 Nev. at 227-28, 70 P.3d at 751.
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1 Where the factual “gravamen” of two different offenses was the same, a
2 defendant could not be punished for both offenses under Salazar -- even if the
3 statutes in question passed the Blockburger test. Id. at 228, 70 P.3d at 752
4 (defendant could not be punished for both battery and mayhem because the
5 “gravamen” of both offenses – cutting the victim which resulted in nerve
6 damage – was the same for both offenses).
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9 Nevada’s “redundancy doctrine” remained in effect from June 11, 2003
10 until December 6, 2012 when the Supreme Court issued its *en banc* ruling in
11 Jackson v. State. In Jackson, the Court rejected the defendants’ redundancy
12 challenges under Salazar and directed Nevada courts to apply a strict
13 Blockburger analysis when faced with Double Jeopardy questions going
14 forward. 291 P.3d at 1282, 128 Nev. Adv. Op. at --. As a result of the ruling
15 in Jackson, courts may no longer apply the “redundancy doctrine” when
16 considering a Double Jeopardy challenge. Instead, Nevada courts must
17 analyze Double Jeopardy issues as follows:
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21 If the Legislature has authorized – or interdicted – cumulative
22 punishment, that legislative directive controls. Absent express
23 legislative direction, the Blockburger test is employed.
24 Blockburger licenses multiple punishment unless, analyzed in
25 terms of their elements, one charged offense is the same or a
26 lesser-included offense of the other.

27 Jackson, 291 P.3d at 1282-83, 128 Nev. Adv. Op. at --. Under Blockburger,
28 the court must determine “whether each offense contains an element not

1 contained in the other; if not, they are the ‘same offence’ and double jeopardy
2 bars additional punishment and successive prosecution.” Jackson, 291 P.3d at
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4 1978, 128 Nev. Adv. Op. at -- (citing United States v. Dixon, 509 U.S. 688,
5 696, 113 S.Ct. 2849 (1993)).

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7 **C. The Court Erroneously Applied Jackson v. State to Bennett’s
8 Sentence in Violation of the Judicial Ex Post Facto Doctrine.**

9 It is undisputed that Salazar v. State was still good law on July 22,
10 2011, the date Bennett committed the offense at issue in this case. (VI: 1104).
11 The District Court’s refusal to apply the redundancy doctrine set forth in
12 Salazar v. State violated Bennett’s constitutional rights under the Ex Post
13 Facto and Due Process clauses of the federal and state constitutions. See U.S.
14 Const. art I, § 9, cl. 3 (Ex Post Facto Clause); U.S. Const. amend. XIV (Due
15 Process Clause); Nev. Const. art 1, § 15 (Ex Post Facto Clause); Nev. Const.
16 art. 1 § 8, cl. 5 (Due Process Clause).

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19 There are four types of *ex post facto* laws that are constitutionally
20 prohibited: (1) “Every law that makes an action done before the passing of
21 the law, and which was innocent when done, criminal; and punishes such
22 action”; (2) “Every law that aggravates a crime, or makes it greater than it
23 was, when committed”; (3) “Every law that changes the punishment, and
24 inflicts a greater punishment, than the law annexed to the crime, when
25 committed”; and (4) “Every law that alters the legal rules of evidence, and
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1 receives less, or different, testimony than the law required at the time of the
2 commission of the offence, in order to convict the offender.” Calder v. Bull, 3
3 Dall. 386, 390 (1798). Because the Ex Post Facto Clause expressly limits
4 legislative powers, it “does not of its own force apply to the Judicial Branch of
5 government.” Marks v. United States, 430 U.S. 188, 191, 97 S. Ct. 990
6 (1977). Nevertheless, both the United States Supreme Court and the Nevada
7 Supreme Court have held that *ex post facto* principles also apply to the
8 judiciary through the Due Process Clause. Bouie v. Columbia, 378 U.S. 437,
9 353-54, 84 S. Ct. 1697 (1964) (observing that the Due Process Clause
10 precludes courts “from achieving precisely the same result” through judicial
11 construction as would application of an *ex post facto* law); accord Stevens v.
12 Warden, 114 Nev. 1217, 969 P.2d 945 (1998).

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17 In Stevens v. Warden, the Nevada Supreme Court set forth a three-part
18 test for determining when a judicial decision violates *ex post facto* principles:
19 (1) the decision must have been “unforeseeable”; (2) the decision must have
20 been applied “retroactively”; and (3) the decision must “disadvantage the
21 offender affected by it.” 114 Nev. at 1221-22, 969 P.2d at 948-49. Analyzing
22 the three Stevens factors, it is clear that the District Court’s application of
23 Jackson -- rather than Salazar -- when determining Bennett’s’ sentence
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1 violated the judicial *ex post facto* doctrine and resulted in the imposition of an
2 illegal sentence on Count 3.

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4 First, the Nevada Supreme Court's wholesale abandonment of the
5 "redundancy doctrine" -- which was good law in Nevada for nearly 10 years --
6 was not foreseeable. Defendants had relied on Salazar and related cases to
7 obtain the dismissal of redundant charges for nearly a decade and would have
8 continued to do so had the Supreme Court not ruled as it did in Jackson. The
9 decision in Jackson was by no means a foregone conclusion. Indeed, even the
10 Jackson court recognized that other jurisdictions currently employ
11 redundancy-type tests in evaluating the propriety of multiple punishments for
12 a single act. See Jackson, 291 P.3d at 1283 n. 10, 128 Nev. Adv. Opp. at --
13 (citing State v. Swick, 279 P.3d 747, 755 (N.M. 2012) and State v. Lanier,
14 192 Ohio App.3d 762, 950 N.E.2d 600, 603 (2011)). In this very case, the
15 District Court was prepared to dismiss Count 3 based on redundancy
16 principals, right up until the point where the State raised the Jackson decision
17 as a basis for rejecting redundancy. (VI: 1104-05).

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19 Second, there can be no doubt that Jackson was applied retroactively in
20 Bennett's case. When determining whether a decision is being applied
21 "retroactively", Nevada courts look to "what [the defendant] could have
22 anticipated at the time he committed the crime." Stevens, 114 Nev. at 1221,
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1 969 P.2d at 948 (“the relevant date of inquiry is the date that [defendant]
2 committed the offense”). In this case, Bennett committed the offense on July
3 22, 2011, almost a year-and-a-half before the Nevada Supreme Court’s
4 decision in Jackson, at a time when Salazar was still good law. Therefore,
5 Jackson was applied retroactively in this case. See Stevens, 114 Nev. at 1222,
6 969 P.2d at 948-49.
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9 Finally, Bennett was disadvantaged by the District Court’s application
10 of Jackson instead of Salazar at sentencing in this case. Up until the State
11 raised the Jackson decision at sentencing on February 7, 2013, the District
12 Court was prepared to dismiss Count 3 because it was redundant to Count 1.
13 (VI: 1104-05). Throughout trial, the District Court acknowledged to the
14 parties that Bennett could not be adjudicated on both Counts 1 and 3. (VI:
15 1104-05). Under Salazar, the “gravamen” of Counts 1 and 3 as charged in the
16 Second Amended Information is the exact same act -- “stabbing at and into
17 the body of the said ANEKA GRIMES” with a knife on July 22, 2011. See
18 Salazar, 119 Nev. at 228, 70 P.3d at 752 (defendant could not be punished for
19 both battery and mayhem because the “gravamen” of both offenses – cutting
20 the victim which resulted in nerve damage – was the same for both offenses).
21 Since Bennett would not have been convicted of both Counts 1 and 3 under
22 Salazar, he was disadvantaged by the Court’s application of Jackson at
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1 sentencing to impose a consecutive 8 to 20 year sentence on Count 3. See
2 Stevens 114 Nev. at 1222-23, 969 P.2d at 949 (“assuming applying Bowen to
3 Stevens would increase his sentence, we conclude that to do so would violate
4 the Due Process Clause”). Accordingly, Bennett’s conviction and sentence on
5 Count 3 violates the judicial *ex post facto* doctrine and must be vacated
6 because it is illegal.
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9 In Ex. Parte Scales, the *en banc* Court of Criminal Appeals of Texas
10 faced a remarkably similar issue to the one at bar. Ex. Parte Scales, 853
11 S.W.2d 856 (Ct. Crim App. Tex. 1993) (en banc). At the time that Donald
12 Scales committed the crimes at issue in his case (possession of a prohibited
13 weapon and aggravated assault), the Texas Court of Criminal Appeals still
14 applied the “carving doctrine” which barred “multiple prosecutions and
15 convictions ‘carved’ out of a single criminal transaction.” 853 S.W.2d at 586-
16 87. At some point thereafter, the court abandoned the “carving doctrine”. Id.
17 at 587. Mr. Scales petitioned for a writ of habeas corpus on the basis that the
18 court’s retroactive abandonment of the “carving doctrine”, which led to his
19 successive prosecution and conviction for aggravated assault, was barred by
20 *ex post facto* principles. In ruling that the “carving doctrine” was a substantive
21 rule of law which should have been applied to Mr. Scales, the Court observed:
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27 In this very case, applicant is now liable to conviction for two
28 offenses, or more. Under the carving doctrine, if he engaged in

1 only one criminal transaction, he would be liable to only one
2 criminal conviction because, under the carving doctrine, the
3 transaction was the offense. Likewise, where he might once have
4 been exposed only to the punishment prescribed for unlawfully
5 carrying a weapon, he must now expect to face the punishment
6 prescribed for aggravated assault as well, even though he may
7 have committed but a single criminal transaction. And finally,
8 where the law once entitled him to prevent prosecution for
9 aggravated assault after a conviction for the same criminal
10 transaction, he is now denied the benefit of this substantive
11 defensive theory. Therefore our decision to make the
12 abandonment of the "carving doctrine" retroactive in *Ex Parte*
13 *Clay* violated the Due Process Clause of the Federal Constitution.

14 853 S.W.2d at 588. Here, as in Ex Parte Scales, Bennett faced an additional
15 criminal conviction and sentence for battery that would not have been
16 permissible under Salazar. Indeed, "where he might once have been exposed
17 only to the punishment prescribed for [attempted murder], he must now
18 expect to face the punishment prescribed for [battery] as well", even though
19 the "gravamen" of both offenses was the same under Salazar. 853 S.W.2d at
20 855. Accordingly, this Court should vacate Bennett's illegal redundant
21 conviction and sentence for battery pursuant to the Ex Post Facto and Due
22 Process clauses of the federal and state constitutions. See U.S. Const. art I, §
23 9, cl. 3 (Ex Post Facto Clause); U.S. Const. amend. XIV (Due Process
24 Clause); Nev. Const. art 1, § 15 (Ex Post Facto Clause); Nev. Const. art. 1 § 8,
25 cl. 5 (Due Process Clause).

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1 **D. The Court's Application of Jackson was Fundamentally Unfair to**
2 **Bennett under the Fifth Amendment.**

3 The Fifth Amendment Due Process Clause "guarantees that a criminal
4 defendant will be treated with the fundamental fairness essential to the very
5 concept of justice." U.S. v. Valenzuela-Bernal, 458 U.S. 858, 872, 102 S.Ct.
6 3440 (1982) (internal quotations and citation omitted); see also U.S. Const.
7 amend. XIV (Due Process Clause); Nev. Const. art. 1 § 8, cl. 5 (Due Process
8 Clause). In the instant case, it was fundamentally unfair for the District Court
9 to convict and sentence Bennett on Count 3 (battery). Both prior to and
10 during trial, Defense Counsel advised Bennett that he could not be convicted
11 and sentenced on both Counts 1 and 3 based on then existing law. (VI:1104-
12 05). During trial, Defense Counsel could have objected to the verdict form
13 and requested that Count 3 be listed as a lesser included offense of Count 1.
14 (VI:1104-05). Had Defense Counsel done so, the District Court would have
15 granted such request which would have prevented Bennett from being
16 convicted and sentenced on both counts. (VI:1104-05). However, Defense
17 Counsel chose not to do so with the understanding that the District Court
18 would later dismiss Count 3 at time of sentencing, in the event of a conviction
19 on both Counts 1 and 3. (VI:1104-05). Given Bennett's reliance on existing
20 law, and his reasonable expectation that the Court would later dismiss Count 3
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1 as promised, it is fundamentally unfair for him to be convicted and sentenced
2 on that count.

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4 **25. Preservation of issues:** Bennett filed a Motion to Correct
5 Illegal Sentence in the District Court, thereby preserving a direct appeal from
6 the District Court's denial of that Motion. See Haney v. State, 124 Nev. 408,
7 185 P.3d 350 (2008) (granting appeal from denial of motion to correct an
8 illegal sentence).

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10 **26. Issues of first impression or of public interest:** This
11 Court has not yet addressed whether the retroactive application of Jackson v.
12 State may violate the judicial *ex post facto* doctrine or a defendant's
13 constitutional right to due process.
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16 Respectfully submitted,

17 PHILIP J. KOHN
18 CLARK COUNTY PUBLIC DEFENDER

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VERIFICATION

1. I hereby certify that this fast track statement 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:

This fast track statement has been prepared in a proportionally spaced typeface using Times New Roman in 14 font size;

2. I further certify that this fast track statement complies with the page or type-volume limitations of NRAP 3C(h)(2) because it is either:

[XX] Proportionately spaced, has a typeface of 14 points or more, and contains 3, 936 words.

3. Finally, I recognize that pursuant to NRAP 3C I am responsible for filing a timely fast track statement and that the Supreme Court of Nevada may sanction an attorney for failing to file a timely fast track statement, or failing to raise material issues or arguments in the fast track statement, or failing to cooperate fully with appellate counsel during the course of an appeal. I therefore certify that the information provided in this fast track statement is true and complete to the best of my knowledge, information and belief.

DATED this 2nd day of July, 2015.

Respectfully submitted,

PHILIP J. KOHN
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 2nd day of July, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO	DEBORAH L. WESTBROOK
STEVEN S. OWENS	HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

BENNETT GRIMES
NDOC NO: 1098810
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89018

BY /s/ Carrie M. Connolly
Employee, Clark County Public
Defender's Office