

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

v.

Case No. 52127

NARCUS S. WESLEY A/K/A  
NARCUS SAMONE WESLEY,

Respondent.

**FILED**

AUG 06 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ANSWER TO ORDER TO SHOW CAUSE

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Counsel for Respondent

**RECEIVED**

AUG 06 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

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5                   THE STATE OF NEVADA,

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Case No.    52127

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14           COMES NOW the State of Nevada by DAVID ROGER, District Attorney,

15           through his Chief Deputy, STEVEN S. OWENS, and submits this answer to this

16           Court's Order to Show Cause filed July 31, 2008.

17           This answer is based on the following memorandum and all papers and

18           pleadings on file herein.

19           Dated this 5th day of August, 2008.


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21                                   DAVID ROGER

22                                   Clark County District Attorney

23                                   Nevada Bar No. 002781

24           By

25                                     
STEVEN S. OWENS  
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**MEMORANDUM OF  
POINTS AND AUTHORITIES**

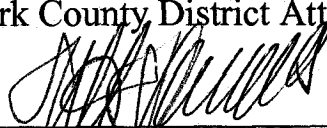
On July 24, 2008, the State filed a Notice of Appeal in the instant case. By Order to Show Cause, filed on July 31, 2008, this Court noted a jurisdictional defect in that no statute gives the State the right to appeal from a final judgment in a criminal case. The sentence for the Deadly Weapon Enhancement in this case is illegal in light of State v. Dist.Ct. (Pullin), 124 Nev.Adv.Op. 54 (July 24, 2008), but the State will seek recourse through other means. The State agrees that the Notice of Appeal was imprudently filed and consents to dismissal for lack of jurisdiction.

Dated this 5th day of August, 2008.

Respectfully submitted,

DAVID ROGER  
Clark County District Attorney

By

  
STEVEN S. OWENS  
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Nevada Bar #004352  
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Eileen Davis  
Employee, Clark County  
District Attorney's Office

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E:\APPELLATE\WPDOCS\SECRETARY\SHOCAUSE\WESLEY, NARCUS S., 52127, ANSW.TO ORDR.TO SC.I