

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
ANDRE D. BOSTON,
Respondent.

No. 62931

FILED

SEP 20 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DIRECTING APPELLANT TO COMPLY WITH NRAP 32(a)(8)

Appellant filed the opening brief on September 16, 2013. The certificate of compliance with NRAP 32 included in the brief does not comply with NRAP 32(a)(8)(B). Although the certificate states that the brief complies with NRAP 32(a)(7) because it “contains no more than 14,000 words or does not exceed 30 pages,” appellant must rely on the type-volume limitation because the brief does not comply with the page limit—it exceeds 30 pages, not counting the parts of the brief excluded by NRAP 32(a)(7)(C). When a brief uses a proportionally spaced font, as here, “[a] certification based on type-volume limitations . . . must state . . . the number of words in the brief.” NRAP 32(a)(8)(B); *see also* NRAP Form 9. The generic statement that the brief “contains no more than 14,000 words” does not comply with this requirement.¹

¹We have noted this deficiency in the form certificate filed by appellant’s counsel in another appeal: *Rimer v. State*, Docket No. 58711 (Order Granting Motion and Striking Answering Brief, August 9, 2013).

Appellant shall have until September 27, 2013, to file a certificate that complies with NRAP 32(a)(8). Failure to comply with this order may result in the imposition of sanctions.

It is so ORDERED.

Pickering, C.J.

cc: Attorney General/Carson City
Clark County District Attorney
Law Offices of Martin Hart, LLC