

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ROSS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63624

FILED

FEB 07 2014

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

ORDER REJECTING OPENING BRIEF

On January 22, 2014, we entered an order striking appellant's opening brief and directing him to file and serve a corrected opening brief by February 5, 2014. Appellant has now timely submitted a new opening brief. We are unable to file the submitted brief at this time, however, because it does not comply with NRAP 32(a)(4)-(5); the brief does not have margins of at least 1-inch on all four sides and the footnote is not in the same size font as the body of the brief. Therefore, the clerk of this court shall reject the opening brief received via E-Flex on February 6, 2014. *See* NRAP 32(e) ("If a brief . . . is not prepared in accordance with this Rule, the clerk will not file the document, but shall return it to be properly prepared.").

We note that the certificate of compliance included with the brief pursuant to NRAP 32(a)(8) appears to contain a clerical error. The certificate represents that the brief does not exceed 30 pages and contains 3,549 words. However, the submitted brief is 43 pages in length. The brief therefore exceeds 30 pages. Further, based on the length of the submitted brief, it appears that the word count is incorrect.

Appellant shall have until February 14, 2014, to file and serve a corrected opening brief that complies with NRAP 32 and includes a corrected certificate of compliance.¹ Respondent shall have 30 days from the date that the corrected opening brief is served to file and serve the answering brief. Failure to comply with this order may result in the imposition of sanctions. NRAP 31(d).

It is so ORDERED.

, C.J.

cc: Matthew D. Carling
Attorney General/Carson City
Clark County District Attorney

¹We note that if a properly formatted brief exceeds the page limit set forth in NRAP 32(a)(7)(A)(i), the brief will nonetheless be acceptable without a motion to exceed the page limit if it contains no more than 14,000 words. NRAP 32(a)(7)(A)(ii). If appellant must rely on compliance with the type-volume limitations, the certificate required by NRAP 32(a)(8) must specify the number of words in the brief, not simply that it contains no more than 14,000 words. NRAP 32(a)(8)(B); NRAP Form 9.