

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILBURT HICKMAN, JR. A/K/A
WILLIAM HICKS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 64776

FILED

APR 10 2015

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

ORDER GRANTING MOTION TO STRIKE

Respondent has filed a motion to strike a portion of appellant's reply brief on the basis that it contains an argument not made in the opening brief. The motion is unopposed.

A reply brief "must be limited to answering any new matter set forth in the opposing brief." NRAP 28(c). Here, appellant's reply brief argues that habitual criminal adjudication was improper because two of the prior convictions arose from the same event. This argument was not asserted in the opening brief and does not respond to any argument within the answering brief. Accordingly, we grant the motion to strike.¹

The clerk of this court shall strike the sentence beginning with the words "It is Appellant's" and ending with the words "from the same event" from the first paragraph on page two of the reply brief. The clerk

¹We take no action on respondent's alternative motion for leave to file a supplemental brief. We also decline respondent's request to impose sanctions on appellant's counsel for her alleged erroneous characterization of this court's case law.

shall also strike the entire second paragraph on page two of the reply brief.

It is so ORDERED.

1. Sardeshy, C.J.

cc: Law Office of Kristina Wildeveld
Attorney General/Carson City
Clark County District Attorney