



SUPREME COURT OF NEVADA
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March 21, 2016

West Group D4-40
610 Opperman Drive
Eagan, MN 55123-1396

Re: Corrections to recently filed opinions

Dear Publisher:

The following opinions have been corrected.

Moultrie v. State, Case No. 65390, Filed on 12/24/15.

1. Page 2 of the original majority opinion, paragraph 1, line 4: changed “fifty dollars” to “\$50.”
2. Page 6 of the majority, at the end of footnote 4 after the *Maresca v. State* citation, add the following text:

Nevertheless, parties should move diligently to resolve criminal proceedings. See NRS 169.035 (providing criminal procedure statutes “shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay”).

(Please see Order Modifying Opinion, filed 12/29/15, attached to this letter.)

3. Page 12 of the majority, paragraph 3, line 4: deleted the comma following “*Court of Las Vegas*” and before “*Twp.*”
4. Page 4 of J. Tao’s original concurrence, paragraph 2, line 15: changed “*expressio*” to “*Expressio.*”

Ferguson v. LVMPD, Case No. 62357, Filed on 12/24/15.

1. Page 2 of the original opinion, paragraph 2, line 6: changed “Aug.” to “August.”
2. Page 5, paragraph 1, lines 11 and 12: changed “Before the Senate Committee on the Judiciary (Statement of Sen. Mark A. James, Chairman, S. Comm. on Judiciary)” to “Before the Senate Comm. on the Judiciary (Statement of Sen. Mark A. James, Chairman, Senate Comm. on Judiciary).”
3. Page 7, line 5 from the top of the page: changed “include” to “includes.”

16-69339

Letter to West
Page 2
March 21, 2016

In re P.S., Case No. 66410, Filed on 12/24/15.

Page 1 of the original opinion, counsel for respondent should be changed to read as follows:

Adam Paul Laxalt, Attorney General, Carson City; Christopher J. Hicks, District Attorney, and Terrence P. McCarthy and Shelly K. Scott, Deputy District Attorneys, Washoe County, for Respondent.

Berry v. State, Case No. 66474, Filed on 12/24/15.

1. Page 4 of the original opinion, paragraph 1, line 11: changed "Jr." to "[Jr]."
2. Page 4, paragraph 1, line 12: changed "Freemont" to "[Fremont]."
3. Page 9, paragraph 1, line 5: changed "witness" to "Witness."
4. Page 9, paragraph 1, line 6: added a space and another period after the end single quotation mark after "conscience."
5. Page 21, paragraph 1, line 18: added "569 U.S. at ____," before "133 S. Ct. at 1936."

State v. Boston, Case No. 62931, Filed on 12/31/15.

1. Page 5 of the original opinion, paragraph 1, line 11: changed "Graham" to "Boston."
2. Page 8, paragraph 1, line 3: changed the comma after "See" to be italic.
3. Page 12, line 2 from the top of the page: changed "NRS 176.017" to "NRS Chapter 176."
4. Page 12, line 5 from the top of the page: inserted "Id." Before "A.B. 267."
5. Page 12, footnote 2, line 3: deleted "NRS 176.017;" at the end of the line.
6. Page 13, line 16 from the top of the page: deleted "not" at the end of the line. (Please see Order Modifying Opinion, filed 1/6/16, attached to this letter.)
7. Page 13, line 17 from the top of the page: changed "disagree" to "agree." (Please see Order Modifying Opinion, filed 1/6/16, attached to this letter.)

Pirooti v. Eighth Jud. Dist. Ct., Case No. 64946, Filed on 12/31/15.

1. Page 9 of the original majority opinion, continuation of footnote 4, line 17: deleted "at" before "§ 11."
2. Page 2 of J. Douglas's original dissent, footnote 1, line 4: inserted "Note," before "Nevada's."
3. Page 5 of J. Douglas's dissent, paragraph 1, line 3: deleted the comma following "interpretation."

Scott v. First Jud. Dist. Ct., Case No. 67331, Filed on 12/31/15.

1. Page 2 of the original majority opinion, paragraph 1, line 2: inserted "(2005)" after "8.04.050(1)."
2. Page 6 of the majority, footnote 4, line 2: changed "8.040.050(1)" to "8.04.050(1)."
3. Page 10 of the majority, paragraph 1, line 3: deleted the italics from the period following "Hill."
4. Page 10 of the majority, footnote 6, line 5: inserted a comma after "(6th ed. 1990)" and inserted another comma after "461."
5. Page 1 of J. Hardesty's original dissent: footnote 1, line 1: inserted "(2009)" after "10.04.010."
6. Page 1 of J. Hardesty's dissent: footnote 1, line 5: inserted "(1996)" after "9.08.010."
7. Page 1 of J. Hardesty's dissent: footnote 1, line 8: deleted the comma following "Fallon Municipal Code" and changed "(1977)" to "(2014)."
8. Page 3 of J. Hardesty's dissent: paragraph 1, line 6: changed "different" to "other."
9. Page 7 of J. Hardesty's dissent: footnote 6, paragraph 2, line 3: changed "discuss" to "discussed."

Palmieri v. Clark County, Case No. 65143, Filed on 12/31/15.

1. Page 11 of the original majority opinion, line 6 from the top of the page: inserted an opening single quotation mark after the opening double quotation mark and before "an."
2. Page 11 of the majority, line 8 from the top of the page: inserted a closing single quotation mark after "litigation," and before the end double quotation mark.
3. Page 25 of the majority, line 23 from the top of the page: inserted "(2010)" after "10.32.010-10.32.250" and before the period.
4. Page 26 of the majority, line 1 at the top of the page: inserted "(2010)" after "10.24.060."
5. Page 26 of the majority, line 12 from the top of the page: inserted "(2012)" after "10.40.040(b)."
6. Page 28 of the majority, footnote 16, line 1: made the comma after "See" italic.
7. Page 30 of the majority, footnote 17, line 2: inserted an opening single quotation mark after the opening double quotation mark and before "information."
8. Page 31 of the majority, continuation of footnote 17, line 1: inserted a closing single quotation mark after "reliable" and before the end double quotation mark.

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Page 4
March 21, 2016

9. Page 31 of the majority, continuation of footnote 17, last line on the page: deleted the period following "affidavit" and before the end double quotation mark.
10. Page 37 of the majority, footnote 21, lines 8 and 10: changed "Owens Court" to "Owens court" in both instances.
11. Page 39 of the majority, footnote 23, last line: inserted an end parenthesis after "reason" and before the period.
12. Page 3 of J. Tao's original concurrence, line 8 from the top of the page: changed "367-371" to "367-71."
13. Page 6 of J. Tao's concurrence, continuation of footnote 3, line 8: changed "Respondent" to "respondent."
14. Page 6 of J. Tao's concurrence, continuation of footnote 3, lines 10 and 11: changed "Answering Brief in *Ransdell v. Clark County*, No. 48592, 2007 WL 6528461 (Nev. Aug. 16, 2007)." to "answering brief in *Ransdell v. Clark County*, Docket No. 48592."
15. Page 8 of J. Tao's concurrence, footnote 4, line 3: inserted a comma after "Elff."

Barber v. State, Case No. 62649, Filed on 12/31/15.

1. Page 2 of the original opinion, lines 3-5 from the top of the page: changed "one-year" to "1-year" in both instances.
2. Page 2, line 7 from the top of the page: inserted "Jaquez Dejuan" before "Barber."
3. Page 2, paragraph 1, line 7: inserted "that" after "discovered."
4. Page 3, paragraph 5, line 1: changed "three-day" to "3-day."
5. Page 4, paragraph 1, line 2: changed "one year" to "1 year."
6. Page 4, heading before paragraph 2, line 1: changed "one year" to "1 year."
7. Page 9, paragraph 2, line 7: changed "person[.]" before the end double quotation mark to "person" but keep the end double quotation mark at the end of the text.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Cay Jordan
Editor

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW LEON MOULTRIE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65390

FILED

DEC 29 2015

TRACEY L. HENTMAN
CLERK OF THE COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

ORDER MODIFYING OPINION

On December 24, 2015, we entered an opinion in this matter. *Moultrie v. State*, 131 Nev. ___, ___ P.3d ___ (Adv. Op. No. 93, December 24, 2015). We have determined that a footnote in the majority opinion requires modification. Accordingly, cause appearing, we direct the clerk of this court to modify the majority opinion filed on December 24, 2015, by adding the following sentence to the end of footnote 4 (directly after the citation to *Maresca v. State*, 103 Nev. 669, 673, 748, P.2d 3, 6 (1987)):
“Nevertheless, parties should move diligently to resolve criminal proceedings. See NRS 169.035 (providing criminal procedure statutes “shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay”).”

It is so ORDERED.

[Signature]
_____, C.J.
Gibbons

[Signature]
_____, J.
Silver

cc: Hon. Robert W. Lane, District Judge
Christopher R. Arabia
Attorney General/Carson City
Esmeralda County District Attorney
Esmeralda County Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 62931

FILED

JAN 06 2016

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

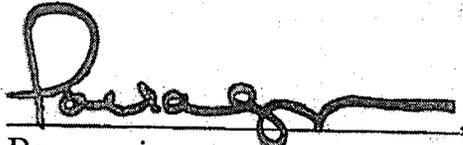
ORDER MODIFYING OPINION

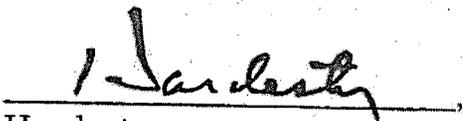
On December 31, 2015, we entered an opinion in this matter. *State v. Boston*, 131 Nev., Adv. Op. 98, ___ P.3d ___ (2015). Appellant has filed a "Petition for Rehearing or Alternatively Motion to Correct Misstatement of Fact," requesting that we clarify a portion of our opinion. Cause appearing, we grant the motion to the following extent.¹ The clerk shall modify the opinion filed December 31, 2015, by changing the first two sentences of the third paragraph that follows the heading "*Assembly Bill No. 267*") (the first full paragraph on page 13 of the slip opinion) by deleting the word "not" and changing "disagree" to "agree"; the first two sentences will now read: "The State argues that *aggregate* sentences that

¹As appellant does not demonstrate that rehearing is warranted, NRAP 40(c), we deny rehearing based on this filing. This denial is without prejudice to any party's right to file a timely petition for rehearing under NRAP 40.

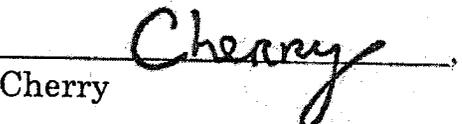
constitute the functional equivalent of life without the possibility of parole are included with the amendments set forth in A.B. 267. We agree.”

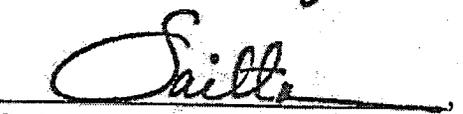
It is so ORDERED.

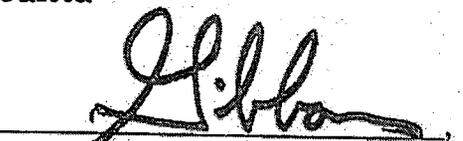

Parraguirre C.J.

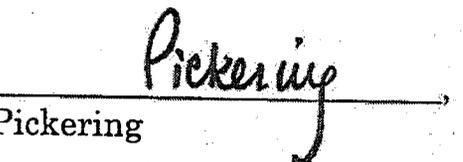

Hardesty J.


Douglas J.


Cherry J.


Saitta J.


Gibbons J.


Pickering J.

cc: Hon. Elissa F. Cadish, District Judge
Attorney General/Carson City
Clark County District Attorney
Law Offices of Martin Hart, LLC
Eighth District Court Clerk



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March 21, 2016

Versuslaw, Inc.
Post Office Box 50007
Bellevue, WA 98015-007

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Letter to Versuslaw
Page 2
March 21, 2016

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Barber v. State, Case No. 62649, Filed on 12/31/15.

1. Page 2 of the original opinion, lines 3-5 from the top of the page: changed "one-year" to "1-year" in both instances.
2. Page 2, line 7 from the top of the page: inserted "Jaquez Dejuan" before "Barber."
3. Page 2, paragraph 1, line 7: inserted "that" after "discovered."
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If you have any questions, please do not hesitate to contact me.

Sincerely,



Cay Jordan
Editor

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW LEON MOULTRIE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65390

FILED

DEC 29 2015

TRACEY R. LINDSEMAN
CLERK OF THE COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

ORDER MODIFYING OPINION

On December 24, 2015, we entered an opinion in this matter. *Moultrie v. State*, 131 Nev. ___, ___ P.3d ___ (Adv. Op. No. 93, December 24, 2015). We have determined that a footnote in the majority opinion requires modification. Accordingly, cause appearing, we direct the clerk of this court to modify the majority opinion filed on December 24, 2015, by adding the following sentence to the end of footnote 4 (directly after the citation to *Maresca v. State*, 103 Nev. 669, 673, 748, P.2d 3, 6 (1987)): "Nevertheless, parties should move diligently to resolve criminal proceedings. See NRS 169.035 (providing criminal procedure statutes "shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay")."

It is so ORDERED.

[Signature], C.J.
Gibbons

[Signature], J.
Silver

cc: Hon. Robert W. Lane, District Judge
Christopher R. Arabia
Attorney General/Carson City
Esmeralda County District Attorney
Esmeralda County Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 62931

FILED

JAN 06 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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DEPUTY CLERK

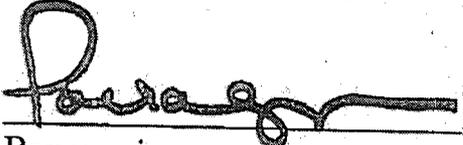
ORDER MODIFYING OPINION

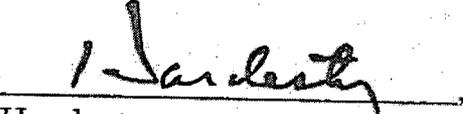
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¹As appellant does not demonstrate that rehearing is warranted, NRAP 40(c), we deny rehearing based on this filing. This denial is without prejudice to any party's right to file a timely petition for rehearing under NRAP 40.

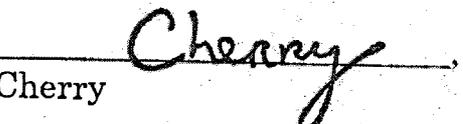
constitute the functional equivalent of life without the possibility of parole are included with the amendments set forth in A.B. 267. We agree.”

It is so ORDERED.


Parraguirre, C.J.

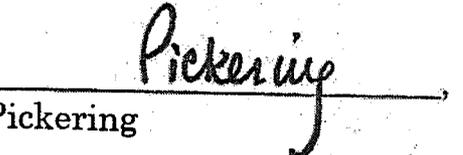

Hardesty, J.


Douglas, J.


Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.

cc: Hon. Elissa F. Cadish, District Judge
Attorney General/Carson City
Clark County District Attorney
Law Offices of Martin Hart, LLC
Eighth District Court Clerk