IN THE SUPREME COURT OF THE STATE OF NEVADA

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Tracie K. Lindeman
Clerk of Supreme Court

PHONG T. VU, No. 65498

Petitioner,

v.

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE; THE HONORABLE CHUCK WELLER, DISTRICT JUDGE, FAMILY DIVISION,

Respondents,

and

RICHARD A. GAMMICK, DISTRICT ATTORNEY,

Real Party in Interest.

_____/

ANSWER TO PETITION FOR WRIT OF MANDAMUS

Richard A. Gammick, District Attorney, by and through his Deputy District Attorney, Blaine Cartlidge, hereby answers the Petitioner's Petition For Writ of Mandamus. It would not appear that the District Attorney is a real party in interest in this case. However, by order of this Court dated

Docket 65498 Document 2014-18267

May 5, 2014, the District Attorney was directed to answer this Writ, and presents the following accordingly. References will be made to the Petitioner's Appendix.

Introduction

The Petitioner contends that his request for this extraordinary relief from a mental health involuntary civil commitment should be granted in order to either vacate the lower court's commitment decision or to remove the record thereof from the NICS system. Petitioner is not entitled to any relief requested and the extraordinary intervention by way of a writ of mandamus is ill-advised since a "plain, speedy and adequate remedy" is available.

The State presented clear and convincing evidence in the hearing by way of the unanimous testimony and conclusions from the lower court's two appointed experts. Petitioner did not present any evidence. Petitioner's Appendix, hereafter "PA," 57, ln 2. The Petitioner construes his circumstances and case simply as a basic needs case about food and shelter and finances. But the evidence plainly and clearly demonstrated that Petitioner's paranoia and psychosis caused him to threaten to murder people, thus putting himself at risk of harm due to the high likelihood of

reactions from others.

So this case has nothing to do with food or shelter or finances. A delusional man off his medications, hearing hallucinations and carrying 2 boxcutters in his pockets, posed a clear and present danger as he threatened to murder his family members and others. The family called the police and also obtained a temporary protective order against the Petitioner.

" 'If someone is expressing homicidal (ideas), that's a powerful indicator' of possible violent acts." Dr. Thomas Smith, clinical psychiatry professor, Columbia University, quoted in the Reno Gazette-Journal, November 13, 2013, concerning the grade school shooting in Sparks, Nevada. There is "clear evidence that people have felt threatened by him. His family has felt threatened by him to the point of calling the police and making arrangements so he will no longer come into their home." Dr. Melissa Piasecki, the court appointed expert psychiatrist, PA 44, lns 14-18.

The commitment should be upheld and the writ relief denied. As well, the statute mandated NICS registration of a commitment order should be upheld in this case as the Petitioner's argument that a "final" order is a prerequisite to a NICS registration is mistaken and diverts from the independent statutory duty to aid our State and the nation by providing

notice about those individuals whom the law deems unfit to possess weapons.

Writ Relief Is Inappropriate When An Adequate Remedy Exists.

There is first the question of whether this Court should exercise its discretion to allow extraordinary relief. Extraordinary relief is discretionary and never mandatory. *See Smith v. District Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden to demonstrate that extraordinary intervention is warranted. *Pan v. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). One of the reasons this Court should decline to exercise its authority is when the petitioner has a plain, speedy and adequate remedy. NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224-5, 88 P.3d 840 (2004). An appeal is typically an adequate legal remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841.

In this case, the state legislature has provided a direct, adequate and expeditious form of relief for any commitment issue. NRS 433.464 declares that the Petitioner's right to habeas corpus is unimpaired: "The provisions of chapters 433 to 433C, inclusive, of NRS do not limit the right of any person detained hereunder to a writ of habeas corpus upon a proper application made at any time by such person or any other person on his or

her behalf." Chapters 433 to 433C concern civil involuntary commitment rights and process. *Compare Dodd v. Hughes,* 81 Nev 43, 398 P.2d 540 (1965) (habeas relief sought by mental health patient who possessed homicidal tendencies was denied).

Plainly, the Petitioner could have sought habeas relief prior to and immediately upon filing of the lower court's order to involuntarily commit him and to register the order with the central repository. Instead, the Petitioner waited 2 months to seek this extraordinary relief. The Petitioner's request for extraordinary relief should be rejected.

Another reason this Court should decline to exercise its authority to grant extraordinary relief is that mandamus compels acts required as a duty and not as a matter of discretion. The law in Nevada is well settled that, unless discretion is manifestly abused or is exercised arbitrarily or capriciously, *Henderson v. Henderson Auto*, 77 Nev. 118, 359 P.2d 743 (1961), mandamus may not be used to compel or control discretionary action. *Round Hill Gen. Imp. Dist. v. Newman,* 97 Nev 601, 603, 637 P.2d 534 (1981); *Brewery Arts Center v. State Bd. of Examiners*, 108 Nev. 1050, 843 P.2d 369 (1992); *Building & Constr. Trades v. Public Works*, 108 Nev. 605, 609, 836 P.2d 633 (1992); *Young v. Board of County Comm'rs*, 91

Nev. 52, 530 P.2d 1203 (1975); *Gragson v. Toco*, 90 Nev. 131, 520 P.2d 616 (1974). Testing the judgment of a lower court or its legal accuracy in this civil commitment context is appropriate under the habeas relief statute on point and not by the appeal fiction of a mandamus writ. There does not exist manifest abuse of discretion nor arbitrary exercise of discretion.

Alternatively, The Unanimous Expert Opinions Provided Substantial And Clear Evidence In Support Of Commitment.

FACTS

A clear and present danger to the Petitioner existed in this case involving homicidal ideation, assault delusions, threats, and weapons, necessitating an emergency hold on the Petitioner. NRS 433A.150, .160 (72 hour emergency legal hold and evaluation). It had nothing to do with the Petitioner's food, shelter, or financial needs. This danger not only justified a civil involuntary commitment but it also compelled the Petitioner's family, for the very first time, to seek safety from him by way of an order of temporary protection because he was a "serious danger." Dr. Richard Lewis, court appointed expert psychologist, PA 48, ln 10 and p. 50, ln 9.

The Petitioner was acting under a chronic psychotic disorder (PA 18, lns 2-3), experiencing auditory hallucinations (PA 19, lns 13-14), refused to take his medications (PA 21, ln 17), believed delusions (PA 30, ln 14) that

his family might assault him (PA 28, lns 24-PA 29, lns 1-19), threatened people (PA 48-50), and several times expressed homicidal ideation toward his family and others, specifically to murder his family while carrying box cutters in his pocket and swords in his vehicle. *See* the legal hold document descriptions, PA 3-4, summarized by Dr. Piaseki, PA 19 and PA 44-45. This all occurred obviously "within the immediately preceding 30 days" of the experts' examination. PA 19. NRS 433A.115(2)(a).

At the hospital, the Petitioner continued to mention murder as well as the delusion that others were trying to assault him. PA 20, 29-30. He was paranoid about the possibility that his brother-in-law, a State employee, might be conspiring with the State hospital about his treatment. *Id.;* PA 30. He could hardly phrase coherent sentences. PA 43. He remained an intimidating presence at the hospital (PA 20, 49) and rejected medications (PA 21, 52). He thus placed himself at high risk of harm to self because of the way others would react to him. PA 44-45. His family did not want him back in their home due to safety concerns. PA 43-44. The condition of the Petitioner post-release, i.e., "within the next following 30 days" (NRS 433A.115(2)(a)), clearly was a major concern to the family and to the court experts. PA 44-45, 49, 56.

THE EXAMINATION & HEARING

Dr. Melissa Piasecki, the court appointed expert psychiatrist, and Dr. Richard Lewis, the court appointed expert psychologist, have performed the weekly, civil commitment examinations for a much longer period of time than the several years the undersigned has been involved. They are readily accepted as experts by stipulation of the parties and the court at every hearing. PA 16-17.

Court appointed expert doctors have the duty to examine a patient and determine whether the patient meets criteria for an involuntary commitment. NRS 433A.240(1), (5). The expert doctors involved in this case have been so appointed in hundreds of cases over the past decade. The statutory criteria they apply every week are: is there a mental illness (NRS 433A.115(1)), and if so, does it produce in the person a clear and present danger of harm to self or others:

> 2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:
>
> (a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330,

inclusive, and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to him or her.

NRS 433A.115.

It is routine for these experts to carefully apply the criteria as they examine patients, just as they did with the Petitioner and the hospital chart. And, then routinely they make their conclusions and testify in a summary manner. Dr. Lewis testified under oath that on each Wednesday, and in their typical summary style testimony, whenever they apply the basic needs criteria in support of commitment, they include consideration of the component of that criteria concerning death, serious bodily injury or

physical debilitation occurring within the next 30 days. PA 56.

Here, they testified that the Petitioner's conduct did not satisfy a component of one of the commitment criteria, that criteria being harm to others (homicidal), because he did not commit *acts in furtherance of a threat* to inflict injury on another (NRS 433A.115(3)) (*e.g.*, PA 23).[1] However, they "clearly" concluded that the Petitioner could not satisfy his basic needs for safety and self protection both before and after his examination. NRS 433A.115(2)(a). Dr. Piasecki: PA 17-26, 30, 39, 43-46 ; Dr. Lewis: PA 47-52, 56.

Obviously, the facts propelled the conclusions. These facts were the basis from "which it may reasonably be inferred that" (NRS 433A.115(2)(a)) within 30 days before the Petitioner became subject to the legal hold, and within 30 days after the examination, the Petitioner was a clear and present

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[1]Concern continues to grow about overly restrictive commitment statutes and narrow interpretations of them. The recent killing and injury spree on many students in Santa Barbara by a mentally-disturbed 22 year old man, prompted one victim's attorney-father to declare that the local sheriff was earlier unable to compel a psychiatric evaluation because of stringent commitment laws. *See http://www.abajournal.com/news/article/slaying_of_son_in_shooting_rampage_catapults_lawyer_to_forefront_of_gun-con.*

See also, "Imminent Danger" and Inconsistency: The Need For National Reform of the "Imminent Danger" Standard For Involuntary Civil Commitment in the Wake of the Virginia Tech Tragedy, Cardozo Law Review, September 2008.

danger of harm to himself and would likely continue to be so if released. NRS 433A.115(2)(a). "I do see evidence, *clear evidence* that people have felt threatened by him." Dr. Piasecki, PA 44 (emphasis added). She further explained that close encounters with the Petitioner "put him at risk for his own safety and well being that if somebody feels threatened by him, they may respond ... as though they need to defend themselves against the threat." PA 44-45. *See also* Dr. Lewis: PA 48-50, 56. And the fact that the Petitioner continued at the hospital to refuse psychiatric medications and could not stabilize (PA 21-22) only accentuated post-release risk. PA 66, lns 6-7.

"It appears under O'Connor, moreover, that a mentally ill person incapable of 'surviving safely in freedom by himself [or herself] or with the help of willing and responsible family members or friends' may be constitutionally confined." *In re Doe*, 102 Haw. 528, 548-49, 78 P.3d 341, 361-62 (Ct. App. 2003).

The Petitioner's counsel failed to present a counter-expert or any other evidence in support of his defense. PA 57, ln 2.

THE ORDER

The lower court determined that the evidence presented at the

hearing established by a clear and convincing standard that the Petitioner suffered a serious mental illness that directly rendered him unable to provide for his own safety and self protection both within 30 days before the examination and in the future post-release without adequate treatment and medications. The only experts presented at the hearing were unanimous and they testified in a structural style that has been common for more than a decade. There is no doubt that the Petitioner's mental illness directly caused him to hear hallucinations, have delusions and make homicidal threats towards his family and others while in possession of dangerous weapons and off his medications without foreseeable behavior modification. He placed himself at high risk of harm to self because of others defensive reactions.

The lower court agreed, made specific findings and granted the petition for commitment (PA 55-56). It later issued a written order (PA 70-72). The lower court then ordered that a record of this adjudication be sent to the central repository as mandated of the courts (ministerial duty) by the Nevada legislature. NRS 433A.310(5) ("... the court shall ... cause ... a record of such order ..."). PA 67.

Petitioner's arguments about manifest abuse, and an arbitrary and

capricious adjudication, are foreign concepts in this case. They cannot be sustained under the weight of the clear and convincing evidence adduced at hearing, and the unanimous, summary conclusions of the experts. And, that evidence stood alone in the absence of any produced by the Petitioner. Therefore, the lower court's commitment order should be upheld and the writ request denied.

An Order, Not a "Final Order, Must Be Registered.

The Petitioner's argument concerning "interlocutory" and "final" mixes apples and oranges. A "final" order is NOT a prerequisite to a NICS registration. That is a mistaken reading of the plain statute and diverts from the legal duty to aid our State and the nation by providing notice about those individuals whom the law deems unfit to possess weapons. This mistaken reading would also render the central repository registration statute nugatory while making Nevada's laws inconsistent with federal law and place federal funding into jeopardy.

The Petitioner's argument pits two subsections of one statute against each other. The argument is presented in a vacuum analysis contending that the subsection first in time (the interlocutory one) creates a "condition precedent" to compliance with the latter in time (the registration

subsection), all without any legal authorities in support of such a timing rule. Petition, 25-26. But, the 2 subsections stand apart.

The key statute in this case is subsection 5 of NRS 433A.310, which creates an unconditional, mandatory legal duty upon the court to send "a record of such order [commitment] to" NICS. But, the Petitioner's focus on the last sentence of subsection (1)(b) of NRS 433A.310, which declares that the commitment order "must be interlocutory and must not become final," is irrelevant to the independent registration duty in subsection 5 and the legislature never intended otherwise. These laws can be and must be read as a whole:

> This court begins its statutory analysis with the plain meaning rule. *We the People Nevada v. Secretary of State*, 124 Nev. 874, 881, 192 P.3d 1166, 1170-71 (2008). If the Legislature's intention is apparent from the face of the statute, there is no room for construction, and this court will give the statute its plain meaning. *Madera v. SIIS*, 114 Nev. 253, 257, 956 P.2d 117, 120 (1998). Statutes should be read as a whole, so as not to render superfluous words or phrases or make provisions nugatory. *Southern Nev. Homebuilders v. Clark County*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005). If the statute is ambiguous, meaning that it is capable of two or more reasonable interpretations, *In re Candelaria*, 126 Nev. __, __, 245 P.3d 518, 520 (2010), this court will "look to the provision's legislative history and the ... scheme as a whole to determine what the ... framers intended," *We the People*, 124 Nev. at 881, 192 P.3d at 1171, and we will examine " 'the context and the spirit of the law or the causes which induced the legislature to enact it.' " *Leven v. Frey*, 123 Nev. 399, 405, 168 P.3d 712, 716 (2007) (quoting *McKay v. Bd. of Supervisors*, 102 Nev. 644, 650-51, 730 P.2d 438, 443 (1986)); *accord State, Bus. & Indus. v. Granite Constr.*, 118 Nev. 83, 87, 40 P.3d 423, 426 (2002).

Clark Cnty. v. S. Nevada Health Dist., 128 Nev. Adv. Op. 58, 289 P.3d 212, 215 (2012).

There is no ambiguity in either subsection. Both speak plainly on their respective subjects but cannot be linked. Subsection 5 plainly speaks to registration of mental health adjudications determined pursuant to the whole statute of NRS 433A.310. Subsection (1)(b) also plainly speaks to predicates for adjudications and concludes with the simple interlocutory sentence. So, the mental health adjudications may be interlocutory but they nevertheless "shall" be sent to the registry. Two independent purposes; finality is irrelevant.

This is similar to contrasting related but instructive statutes. The legislature granted habeas relief to patients (NRS 433.464), and while an adjudication may be interlocutory, there is no linkage to the interlocutory statute nor any consequential curtailment on Petitioner's "plain, speedy and adequate remedy" of habeas relief. And the same sense applies to the long term effect of a mental health adjudication, though it may be interlocutory. The records' sealing statute at NRS 433A.715 declares that such a commitment "is deemed never to have occurred … except in connection with" guns and also employment. So, whether the adjudication evaporates or is interlocutory is irrelevant to the independent, crucial matter of

mandated disclosure/registration of the adjudication.

A fair reading of Nevada's civil commitment statute scheme as a whole produces on point a clear mandate to protect the individual and the community from danger caused by mental illness. And when it comes to weapons and mental illness, there can be no doubt that NRS Chapter 433A taken as a whole seeks all possible lawful protection against the opportunity of the mentally ill to purchase guns, which history supports.

Although legislative history on the interlocutory sentence in subsection (1)(b) is nonexistent (it was never and has never been explained), Nevada legislative history on subsection 5's registration requirement is extensive. It was enacted in AB46 in 2009:

> Assembly Bill 46 responds to the National Instant Criminal Background Check System (NICS) Improvement Act, which was passed by Congress after the last legislative session. The NICS Improvement Act encourages states to maintain a database of records related to mental health adjudication for the purpose of making a determination of whether a person is disqualified from possessing or receiving a firearm under federal law.

Keith Munro, First Assistant Attorney General, Nevada, testifying before the Assembly Judiciary Committee on February 20, 2009, *Minutes,* pp. 8-9. Mr. Munro explained that Nevada lacks a central repository database mechanism for records on mental health "adjudications" and that Congress

sought states' compliance with federal clearinghouse mechanisms.[2] *Id.* Mr. Munro warned: "Noncompliance with the NICS Improvement Act could result in withholding of federal funds under the Omnibus Crime Control and Safe Streets Act." *Id.*

The *Minutes* of the Assembly Judiciary Committee's consideration of AB46 leave no doubt that subsection 5's intent and purpose was consistent with NRS Chapter 433A as a whole:

> Section 13 requires that a record be sent for inclusion in NICS if the court involuntarily commits a person. We have a process in Chapter 433A of NRS for involuntary, court-ordered commitments. That is a prohibiting event, disqualifying a person from owning a firearm. This clarifies that is also an event where a record needs to be sent to NICS. This does not address voluntary admissions, and it does not address emergency admissions, either. It is only involuntary, court-ordered commitments.

Kerry Benson, Deputy Attorney General, Nevada, before the Assembly Judiciary Committee, February 20, 2009, *Minutes,* p. 13.

Obviously the focus of any relevant discussion, whether in statute or at the legislature or at Congress, is the registration of mental health "adjudications," or commitments. The notion of "finality" versus

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[2]The Virginia Tech campus mass shooting prompted passage by Congress of the NICS Improvement Amendments Act of 2007. Congress thereby required states to transmit records of mental health "adjudications" to the NICS database. *See* testimony by Kerry Benson, Deputy Attorney General, Nevada, before the Assembly Judiciary Committee, February 20, 2009, *Minutes,* p. 10.

"interlocutory" has nothing to do with protecting the individual and the community. Subsection 5's mandatory duty to send in a record of a mental health "adjudication" is consistent with federal and state public policy and laws to protect the individual and the community, such as the important guns and employment exceptions to treating the hospital admission event as if it never happened (NRS 433A.715(6)); and Nevada's related felony law, NRS 202.360(2)(a), which makes it a felony crime for a person who "has been adjudicated as mentally ill" to own or possess a weapon.

To accept the Petitioner's argument that such an adjudication cannot be sent to the registry until the 31st day, and only if the patient remains committed (NRS 433A.310(1)(b)), defeats the national and local goals of disqualifying a mentally ill person from purchasing guns. Timing is everything.[3] Moreover, it is well known that Northern Nevada's mental health inpatient treatment averages less than 2 weeks. *See* Affidavit of Cody Phinney, MPH, Agency Director, Northern Nevada Adult Mental Health Services, Sparks, Nevada, attached hereto and incorporated herein by this reference. The Petitioner's hospital treatment before and after

[3] *See* http://archive.rgj.com/article/20130716/NEWS/307160043/ RGJ -Exclusive-Mentally-ill-man-who-bought-gun-from-Reno-cop-prohibited-from-having-gun ; *and also* - http://www.rgj.com/story/news/ 2014/04/05/ northern-nevada-courts-not-complying-with-gun-ban-notification-on-mentally-ill/6676281/

hearing totaled less than 3 weeks. PA 1, 73. Thus, waiting 31 days to send the "mental health adjudication," and then only if the patient remains in the hospital, produces an absurd result. *Washoe Med. Ctr. v. Second Judicial Dist. Court of State of Nev. ex rel. Cnty. of Washoe*, 122 Nev. 1298, 1302, 148 P.3d 790, 793 (2006).

CONCLUSION

The requested writ is an inappropriate appeal maneuver under the circumstances and should be rejected. Further, ample evidence establishes by clear and convincing proof that Petitioner could not meet his basic needs for safety and self-protection in the time periods within 30 days before nor within 30 days subsequent to admission under the circumstances, and thus the writ should be denied.

Finally, the Petitioner's contention, that an adjudication/order must be "final" as a prerequisite to the NICS registration, is grounded in confusion and produces an absurd result. The mandated registration duty upon the courts of Nevada stands alone and apart from whether a mental

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health adjudication is "interlocutory" or not. The Petitioner's relief and writ must be denied.

DATED: June 4, 2014.

RICHARD A. GAMMICK
DISTRICT ATTORNEY

By: BLAINE E. CARTLIDGE
Deputy District Attorney

AFFIDAVIT OF CODY PHINNEY, MPH

STATE OF NEVADA
COUNTY OF WASHOE

I, CODY PHINNEY, being first duly sworn and under penalty of perjury, do hereby depose and say:

1. Affiant is a resident of Washoe County and employed by the State of Nevada as Agency Director of Northern Nevada Adult Mental Health Services ("NNAMHS") located in the Dini-Townsend building on Galletti Way, Sparks, Nevada.

2. As Director of NNAMHS, I have overall responsibility for operations of the hospital, including patient care and records management.

3. The Petitioner, Phong T. Vu, was admitted to and treated on the inpatient unit at NNAMHS from the end of January 2014 until his discharge on February 18, 2014.

4. The average length of a patient's stay on our inpatient unit for 2007 was 13.96 days; for 2008 was 13.8 days; for 2009 was 13.73 days; for 2010 was 11.63 days; for 2011 was 9.03 days; for 2012 was 10.01 days; and for 2013 was 10.14 days.

FURTHER YOUR AFFIANT SAYETH NOT.

Cody L Phinney
CODY PHINNEY, MPH

Subscribed and sworn to before me
this 3 day of June, 2014.

Notary Public

PATRICIA A. WENDELL
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 99-17866-2 - Expires April 15, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on June 4, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

John Reese Petty
Chief Appellate Deputy

Kathleen M. O'Leary
Chief Deputy

Shelly Muckel
Washoe County District Attorney's Office

CERTIFICATE OF SERVICE

Pursuant to NRAP Rule 25, I hereby certify that I am an employee of the Washoe County District Attorney's Office and that on June 4, 2014, I forwarded a true copy of the foregoing document, through the Washoe County Interagency Mail, addressed to:

Honorable Chuck Weller
Department 11

Shelly Muckel
Washoe County District Attorney's Office