

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLO THOMAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65916

FILED

OCT 24 2014


TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER STRIKING OPENING BRIEF

On October 22, 2014, the clerk of this court filed appellant's opening brief. Although the certificate included with the brief pursuant to NRAP 32(a)(8) indicates that the brief complies with the typeface requirements in NRAP 32(a)(5), review of the brief indicates that the footnotes are not "in the same size and typeface as the body of the brief" as required by NRAP 32(a)(5). NRAP 32 was amended effective January 3, 2012, to ensure that limits on the length of briefs apply uniformly. Because the brief is not prepared in accordance with NRAP 32, we direct the clerk of this court to strike the opening brief filed on October 22, 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.").

Appellant shall have until October 30, 2014, to file and serve an opening brief that complies with NRAP 32.¹ Failure to comply with this order may result in the imposition of sanctions.

It is so ORDERED.

 C.J.

cc: Justice Law Center
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.