

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA

Appellant,

v.

JANET SOLANDER,

Respondent.

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Case No. 67711

Electronically Filed
Apr 02 2015 03:58 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF**

COMES NOW the State of Nevada, by STEVE WOLFSON, Clark County District Attorney, through his Deputy, CHRIS BURTON, and respectfully requests leave to file a Supplemental Brief in the above entitled matter.

This motion is based on the following Memorandum and all papers and pleadings on file herein.

Dated this 2nd day of April, 2015.

Respectfully submitted,

STEVE WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ Chris Burton

CHRIS BURTON
Deputy District Attorney
Nevada Bar #012940
Attorney for Appellant

MEMORANDUM

Respondents Dwight Conrad Solander and Janet Solander were charged with multiple counts of Child Abuse, Neglect or Endangerment with Substantial Bodily Harm, Sexual Assault with a Minor under Fourteen Years of Age, Assault with a Deadly Weapon, and Battery with Intent to Commit Sexual Assault. Both Defendants filed a pre-trial Petition for Writ of Habeas Corpus which was granted in part as to all of the charges of Sexual Assault with a Minor under Fourteen Years of Age except one. The State has subsequently filed a Notice of Appeal of the District Court's granting of Defendants' Petition for Writ of Habeas Corpus. Under NRS 34.575(3), whenever an appeal from the granting or denial of a pre-trial Petition for Writ of Habeas Corpus is docketed in this Court, "it stands submitted without further briefs or oral argument unless the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court otherwise orders."

The State respectfully requests that this Court order further briefs on the issue now before the court. The issue raised by the State's appeal is complex and requires an in-depth analysis of statutory construction. The State has engaged in extensive research regarding the issue to include an examination of statutes and case law in this and other jurisdictions with similar Sexual Assault statutes. These authorities were not presented to the District Court and inform the necessary statutory construction. As such, the State respectfully requests an opportunity to brief this

Court on its findings. This request is made pursuant to NRS 34.575(3), and NRAP 3B, 27.

Based on the foregoing, the State requests leave to file a Supplemental Brief.

Dated this 2nd day of April, 2015.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Chris Burton*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 2, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

KRISTINA WILDEVELD, ESQ.
Counsel for Respondent

CHRIS BURTON
Deputy District Attorney

BY /s/ E. Davis
Employee, District Attorney's Office

CFB/ed