1 IN THE SUPREME COURT OF THE STATE OF NEVADA 2 3 Electronically Filed LUIS PIMENTEL, 4 Feb 08 2017 02:16 p.m. Elizabeth A. Brown 5 Appellant, Clerk of Supreme Court Case No. 68710 6 VS. 7 8 THE STATE OF NEVADA. 9 Respondent. 10 11 NOTICE OF SUPPLEMENTAL AUTHORITY ON ISSUE I(A) 12 NRAP 31(e) states: 13 14 (e) Supplemental Authorities. When pertinent and significant 15 authorities come to a party's attention after the party's brief has been filed, but before a decision, a party may promptly advise the Supreme 16 Court by filing and serving a notice of supplemental authorities, 17 setting forth the citations. The notice shall provide references to the page(s) of the brief that is being supplemented. The notice shall 18 further state concisely and without argument the legal proposition for 19 which each supplemental authority is cited. The notice may not raise any new points or issues. Any response must be made promptly and 20 must be similarly limited. If filed less than 10 days before oral 21 argument, a notice of supplemental authorities shall not be assured of 22 consideration by the court at oral argument; provided, however, that no notice of supplemental authorities shall be rejected for filing on the 23 ground that it was filed less than 10 days before oral argument. 24 NRAP 31(e) allows PIMENTEL to directly file supplemental authorities without 25 26 first seeking permission from the court under NRAP 27. 27 III28

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PIMENTEL files this notice of supplemental authorities to direct the Court's attention to <u>U.S. v. Loucious</u>, No. 16-10121 (9th Cir. filed Feb. 7, 2017) (available at http://cdn.ca9.uscourts.gov/datastore/opinions/2017/02/07/16-10121.pdf). PIMENTEL would like to supplement the Opening Brief, page 23 at lines 19-26 and footnote 14; page 24 at line 1-2; and would also like to supplement the Reply Brief at page 3 footnote 1. <u>Loucious</u> overrules <u>U.S. v. Loucious</u>, 2:15-cr-00106-JAD-CWH (D. Nev. filed Feb. 19, 2016) and arguably overrules <u>U.S. v. Chavez</u>, 111 F.Supp.3d 1131 (D. Nev. 2015) and <u>U.S. v. Toliver</u>, 480 F.Supp.2d 1216 (D. Nev. 2007). <u>U.S. v. Loucious</u>, No. 16-10121 (9th Cir. filed Feb. 7, 2017) stands for the proposition that the Las Vegas Metropolitan Police Department's standard <u>Miranda</u>¹ warnings sufficiently apprise a defendant that he has the right to consult with an attorney prior to questioning.

DATED this 8th day of February, 2017

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/William M. Waters
WILLIAM M. WATERS, #9456
Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

¹ Miranda v. Arizona, 384 U.S. 436 (1966).

1 **CERTIFICATE OF SERVICE** 2 I hereby certify that this document was filed electronically with the 3 Nevada Supreme Court on the 8th day of February, 2017. Electronic Service of 4. 5 the foregoing document shall be made in accordance with the Master Service List 6 as follows: 7 ADAM LAXAULT 8 WILLIAM M. WATERS STEVEN S. OWENS HOWARD S. BROOKS 10 I further certify that I served a copy of this document by mailing a 11 true and correct copy thereof, postage pre-paid, addressed to: 12 LUIS PIMENTEL 13 NDOC No: 1144889 14 Ely State Prison 15 P. O. Box 1989 Ely, NV 89301 16 17 18 By: /s/ Carrie M. Connolly 19 Employee, Clark County Public Defender's Office 20 21 22 23 24 25 26 27

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