1	IN THE SUPREME COURT OF THE STATE OF NEVADA				
2	LESEAN TARUS COLLINS,	Supreme Court No.:	68838		
3 4 5	Appellant, vs.	Electronic Oct 12 20 Tracie K. I	15 09:20 a.m.		
6	THE STATE OF NEVADA	Clerk of S	upreme Court		
7	Respondent.				
8 9	<b>RESPONSE TO ORDER TO SHOW CAUSE</b>				
9 10	AND SUSPENDING BRIEFING				
11	COMES NOW, Appellant, LESEAN TARUS COLLINS, by and through				
12 13	his counsel of record, pursuant to this Court's Order to Show Cause and				
14	Suspending Briefing filed on September 25, 2015 and respectfully submits his				
15	response herein. It appears that Counsel for the Defendant did not review a copy				
16 17	of the Findings of Fact, Conclusions of Law and Order prior to filing the Notice				
18	of Appeal. Counsel immediately filed a Notice of Appeal once he realized the				
19	oversight. This Response is accompanied	by the attached declaration	of counsel.		
20	DATED this 12 <sup>th</sup> day of October, 2015.				
21 22		RLING LAW OFFICES, P			
23			C		
24		<u>Matthew D. Carling</u> ATTHEW D. CARLING, E	SQ.		
25		vada Bar No. 007302			
26		orney for Appellant, SEAN TARUS COLLINS			
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		Docket 68838 Document 201	5-30830		

1	DECLARATION OF COUNSEL		
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3	I, Matthew D. Carling, do declare as follows:		
4	1. I represented Appellant, in this matter. On June 22, 2015, I sent a		
5	letter to the Appellant informing him of the outcome of the hearing on his		
6 7	Petition and requested that he let me know if he desired to appeal the decision. I		
8	never heard from the Appellant regarding this issue.		
9 10	2. Having not received the Findings of Fact, Conclusions of Law and		
11	Order, on July 27, 2015, I filed an Objection to the Findings of Fact, Conclusions		
12	of Law and Order. My decision to file an Objection was based on my		
13 14	recollection of the arguments presented at the hearing and the Judge's decision to		
15	deny the Petition without articulating why, as well as, the absence of an Order.		
16 17	3. It appears from the record that the Notice of Entry of Findings of		
18	Fact, Conclusions of Law and Order was e-filed on July 27, 2015. However, I		
19	was not made aware of this fact. The fact that I filed my objection on the same		
20 21	day as the Order is merely a coincidence.		
22	4. Generally, I will receive an email from the District Attorney's		
23	Office indicating the filing of the Notice of Entry of Order, <i>etc.</i> This did not occur this time. According to the Certificate of Mailing on the Notice of Entry of		
24 25			
25 26	Order, I apparently received a copy of the Order the end of July or beginning of		
27 28	August. I cannot explain why the Order was not placed on my calendar for a		
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1	Notice of Appeal as I have several safeguards in place to prevent such an		
2	situation.		
3			
4	5. On September 17, 2015, I sent a letter to the Appellant explaining		
5	the situation. Since the letter, the Appellant has attempted to call me regarding		
6 7	his case.		
8	6. I would ask this Court to take into consideration the Objection that		
9 10	was filed in this matter and construe the same as a Notice of Appeal as it was		
11	filed in anticipation of presenting arguments to this Court.		
12	I declare under penalty of perjury that the foregoing is true and correct to		
13 14	the best of my knowledge and belief.		
15	DATED this 12 <sup>th</sup> day of October, 2015.		
16	CARLING LAW OFFICES, PC		
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18	<u>/s/ Matthew D. Carling</u> MATTHEW D. CARLING, ESQ.		
19	Nevada Bar No. 007302		
20	Attorney for Appellant, LESEAN TARUS COLLINS		
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1	CERTIFICATE OF SERVICE			
2 3	I hereby certify that this document was filed electronically with the Nevada			
4	Supreme Court on the 12 <sup>th</sup> day of October, 2015. Electronic Service of the			
5	foregoing document shall be made in accordance with the Master Service List as			
6 7	follows:			
8	STEVEN B. WOLFSON			
9	Clark County District Attorney			
10 11	ADAM PAUL LAXALT Nevada Attorney General MATTHEW D. CARLING			
12				
13	Counsel for Appellant			
14	CARLING LAW OFFICES, PC			
15 16	/s/ Matthew D. Carling			
17	MATTHEW D. CARLING, ESQ. Nevada Bar No. 007302			
18	1100 S. Tenth Street Las Vegas, NV 89101			
19	Attorney for Appellant,			
20	LESEAN TARUS COLLINS			
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