## IN THE SUPREME COURT OF THE STATE OF NEVADA

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JASON RICHARD LOFTHOUSE,

Appellant,

VS.

Electronically Filed Sep 20 2018 10:03 a.m. Elizabeth A. Brown Clerk of Supreme Court Case No. 70587

THE STATE OF NEVADA,

Respondent.

## NOTICE OF SUPPLEMENTAL AUTHORITY

NRAP 31(e) states:

When (e) Supplemental Authorities. pertinent and significant 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 Court by filing and serving a notice of supplemental authorities, setting forth the citations. The notice shall provide references to the page(s) of the brief that is being supplemented. The notice shall further state concisely and without argument the legal proposition for which each supplemental authority is cited. The notice may not raise any new points or issues. Any response must be made promptly and must be similarly limited. If filed less than 10 days before oral argument, a notice of supplemental authorities shall not be assured of consideration by the court at oral argument; provided, however, that no notice of supplemental authorities shall be rejected for filing on the ground that it was filed less than 10 days before oral argument.

NRAP 31(e) allows Lofthouse to directly file supplemental authorities without first seeking permission from the court under NRAP 27.

Lofthouse files this notice of supplemental authorities to direct the Court's attention to Tex. Penal Code § 21.12 entitled "Improper Relationship Between Educator and Student," and <u>Toledo v. State</u>, 519 S.W.3d 273, (Ct. App. Tx. 2017) where the Texas appellate court acknowledged Tex. Penal Code § 21.12 -- which is substantially similar to NRS 201.540 -- only criminalizes improper sexual <u>relationships</u> between educators and students and does not criminalize each individual sexual act occurring within a student-educator relationship. Lofthouse would like to supplement his Opening Brief at p. 40-45 and his Reply Brief at p. 15-16 with the aforementioned persuasive authorities.

DATED this 18th day of September, 2018

PHILIP J. KOHN CLARK COUNTY PUBLIC DEFENDER

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

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20 day of September, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT	WILLIAM M. WATERS
STEVEN S. OWENS	HOWARD S. BROOKS

I further certify that I served a copy of this document by

mailing a true and correct copy thereof, postage pre-paid, addressed to:

JASON RICHARD LOFTHOUSE NDOC No: 1159974 High Desert State Prison P. O. Box 650 Indian Springs, NV 89070

> BY <u>/s/ Carrie M. Connolly</u> Employee, Clark County Public Defender's Office