

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Jan 12 2018 04:10 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

TONY HOBSON	)	SUPREME COURT NO. 71419
	)	
Appellant,	)	
	)	
vs.	)	<b>APPEAL</b>
	)	
STATE OF NEVADA,	)	
	)	
Respondent.	)	DISTRICT COURT NO. C-303022
	)	
_____	)	

**APPELLANT'S OBJECTION TO STATE SUPPLEMENTAL**  
**AUTHORITIES**

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Attorneys for Appellant

COMES NOW TONY HOBSON, and objects to the Court's consideration of supplemental authorities filed by the State on January 12, 2018.

In support of filing the supplemental authorities, the state relies on *Carter v. State*, 299 P.3d 367, n.1 (2013). Note 1 merely states that the Court in that case had considered all relevant authority and denied appellant's motion to strike supplemental authorities. It did not state the circumstances or provide any discussion about why it was considering the supplemental authorities.

The state also relies on NRAP 31(e) as support for its filing of supplemental authorities. However, that section states that the notice must "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 state has not complied with these requirements. **First**, it cites to *Gooch* for the proposition that it is inappropriate to consider a *Batson* challenge proffered for the first time on appeal. In this case, both a *Batson* challenge and a *Williams* challenge to the jury venire were discussed and challenged during trial. **Second**, the state cites to *Snyder* for the general proposition that the courts should not overturn convictions based on arguments not made below. It does not state what argument made on appeal was not made below. Therefore, it is impossible for the defense to research this issue in preparation for oral argument. **Third**, the state refers to *Van Valkenberg* for the proposition that it

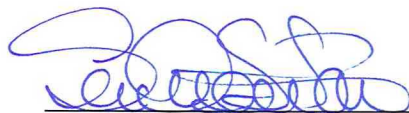
is error to consider on appeal a jury instruction which was agreed to below.

HOBSON did not refer to any jury instructions on appeal, and if any were implicated by issues discussed in the appeal, the state has not specified which one it is referring to, once again, making it impossible for HOBSON to prepare for argument on that issue.

HOBSON would also point out that NRAP 31(e) states that supplemental authorities will be considered when they are “significant authorities [which] come to a party’s attention after the party’s brief has been filed...” All of the cases cited by the state in its Notice Of Supplemental Authorities were filed at least four years before its Answering Brief was filed. Therefore, they are not authorities about which the state was unaware, nor has the state indicated in what way the authorities it has cited to are “significant.”

For the foregoing reasons, it is impossible for HOBSON to adequately prepare for oral argument in light of these supplemental authorities, and it therefore requests that this Court not consider them or allow the state to argue these issues, or assert that HOBSON has argued on appeal matters which were not discussed at trial without articulating exactly which such issues it is referring to.

Dated this 12<sup>th</sup> day of January, at Las Vegas, Nevada.



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SANDRA L. STEWART,  
Attorney for Tony Hobson

## CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2018, I served a copy of the:

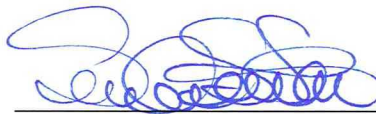
**APPELLANT'S OBJECTION TO STATE SUPPLEMENTAL  
AUTHORITIES**

by mailing a copy via first class mail, postage thereon fully prepaid, to the  
following:

TONY HOBSON  
INMATE NO. 1165963  
**ELY STATE PRISON**  
POST OFFICE BOX 1989  
ELY, NV 89301

and by e-filing the document with the Nevada Supreme Court, thereby providing  
access to a copy to all other interested parties, including but not limited to, the  
following:

STEVEN B. WOLFSON, ESQ.  
**CLARK COUNTY DISTRICT ATTORNEY**  
200 LEWIS AVENUE  
LAS VEGAS, NV 89155-2212



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SANDRA L. STEWART