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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

GARY LAMAR CHAMBERS

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.Ct. No. 73446

D.C. No. C292987-1

Electronically Filed  
Dec 30 2019 08:33 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR ENLARGEMENT OF TIME TO FILE**  
**PETITION FOR SUPREME COURT REVIEW**  
**(THIRD REQUEST)**

COMES NOW Appellant, GARY LAMAR CHAMBERS, by and through his counsel in this matter, JEAN J. SCHWARTZER, ESQ., and moves this Court for the third time for an enlargement of time of ten (10) days from December 30, 2019 to file Appellant's Petition for Supreme Court Review making said Petition due January 9, 2020. This motion is based upon the following memorandum and all papers and pleadings on file herein.

Dated this 30<sup>th</sup> day of December, 2020.

Respectfully submitted,

*/s/ Jean J. Schwartzer*  
**JEAN J. SCHWARTZER, ESQ.**  
Law Office of Jean J. Schwartzer  
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Phone: 702-979-9941  
jean.schwartzter@gmail.com  
Counsel for Appellant

1 I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned case.  
2 Pursuant to NRAP 26(b)(1)(A), this Court may grant a motion for extension of time for  
3 filing a Petition for Supreme Court Review based upon a showing of good cause. This is  
4 Appellant's third but, again, very brief request for an extension of time to file his  
5 Petition for Supreme Court Review.

6 With respect to good cause for the extension, the Order Denying Rehearing  
7 issued by the Court of Appeals was issued on November 21, 2019. During the 18 days  
8 that followed, appellate counsel's seven year old was out of school the entire subsequent  
9 week and her 4 year old was out of school for half of the subsequent week. Additionally,  
10 counsel's seven year old has been very sick the past two weeks being diagnosed with  
11 strep throat a second time on November 25, 2019 and then a third time on December 9,  
12 2019. For these reasons, Appellant requested and was granted a 14 day extension.  
13 However, shortly after requesting this extension, Counsel's 4 year old tested positive for  
14 influenza and had to remain home for the entire week. Both children returned to school  
15 the following week but Counsel was sick the first half of that week. This was the reason  
16 for the second request for an extension.

17 Counsel planned on finishing the petition the first half of the week of December  
18 23, 2019 prior to leaving for a trip to visit family in Arizona on December 27, 2019.  
19 Counsel has drafted a large portion of the petition. (See Exhibit 1). However, counsel's  
20 mother caught the same illnesses counsel's children had two weeks prior. Therefore, due  
21 to the counsel's children being out of school during winter break and her mother being  
22 unable to provide the planned upon child care during this period due to her own illness,  
23 counsel was not able to finish the petition prior to leaving for her trip. Both of counsel's  
24 children return to school January 7, 2020. At that time, counsel can return to work full  
25 time.

26 Appellant is serving a sentence of life without the possibility of parole due to  
27 being adjudicated as a habitual criminal in a manner Appellant believes to be in  
28 violation of his due process rights. Appellant believes the decision of the Court of  
Appeals regarding this issue raised in his Opening Brief conflicts with prior decisions of

1 the Supreme Court of Nevada yet is also an issue of first impression with respect to the  
2 specifics of his case. Finally, his case involves fundamental issues of statewide public  
3 importance because it deals with the violation of due process rights as well as both the  
4 State and the district court failing to follow mandatory procedural rules that vest the  
5 district court with jurisdiction to sentence someone under the habitual criminal statute as  
6 it was in 2007.

7 Therefore, Appellant moves for an enlargement of time of ten (10) additional days  
8 within which to file Appellant's Petition for Supreme Court Review up to and including  
9 January 9, 2020.

10 This Motion is made in good faith and not for the purposes of undue delay.

11 I declare under penalty of perjury the factual representations set forth in the  
12 foregoing memorandum are true and correct.

13 Dated this 30<sup>th</sup> day of December, 2019.

14 Respectfully submitted,

15 /s/ Jean J. Schwartzer

16 JEAN J. SCHWARTZER, ESQ.

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18 10620 Southern Highlands Parkway

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22 jean.schwartzter@gmail.com

23 Counsel for Appellant

1  
2 **CERTIFICATE OF SERVICE**

3 I certify that on December 30<sup>th</sup>, 2019, an electronic copy of the foregoing  
4 MOTION FOR ENLARGEMENT OF TIME was sent via the master transmission list  
5 with the Nevada Supreme Court to the following:

6  
7 AARON FORD, ESQ.  
Nevada Attorney General

8 ALEXANDER G. CHEN, ESQ.  
9 Chief Deputy District Attorney

10  
11 /s/ Jean J. Schwartz  
12 JEAN J. SCHWARTZER, ESQ.  
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# **EXHIBIT 1**

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3           GARY LAMAR CHAMBERS

4                   Appellant,  
5           vs.

6           THE STATE OF NEVADA,  
7                   Respondent.

No. 73446

D.C. No. C292987-1

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11                   **ARGUMENT**

12           **I. THE NEVADA RULES OF APPELLATE PROCEDURE PROVIDE**  
13           **FOR SUPREME COURT REVIEW OF A COURT OF APPEALS**  
14           **ORDER AS A MATTER OF JUDICIAL DISCRETION**

15           Rule 40(B) of the Nevada Rules of Appellate Procedure provides that a party  
16           aggrieved by a decision of the Court of Appeals may file a petition for review with  
17           the clerk of the Supreme Court. The petition must state the question(s) presented  
18           for review and the reason(s) review is warranted. Supreme Court review is not a  
19           matter of right but of judicial discretion.  
20  
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1       The following, while neither controlling nor fully measuring the Supreme  
2 Court's discretion, are factors that will be considered in the exercise of that  
3 discretion:  
4

5       (1) Whether the question presented is one of first impression of general  
6 statewide significance;

7       (2) Whether the decision of the Court of Appeals conflicts with a prior  
8 decision of the Court of Appeals, the Supreme Court, or the United States  
9 Supreme Court; or

10       (3) Whether the case involves fundamental issues of statewide public  
11 importance

12  
13       In the discussion that follows, Chambers argues that the decision of the  
14 Court of Appeals regarding his adjudication as a habitual criminal conflicts with  
15 the combined decisions of the Supreme Court regarding vesting the district court  
16 with jurisdiction to sentence a defendant as a habitual criminal. The Court of  
17 Appeals also does not analyze or even mention any of the Supreme Court of  
18 Nevada case law and statutes that Chambers cited to in support of his argument  
19 that the State must adhere to the mandatory provisions of NRS 207.010 and NRS  
20 207.012 in order to properly vest the district court with jurisdiction to sentence a  
21 defendant as a habitual criminal.  
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25       Paradoxically, Chambers also raises an issue of first impression in that this  
26 Court has never specifically addressed how the manner in which the State gives  
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28

1 notice to a defendant, as mandated by the habitual criminal statutes in effect in  
2 2007<sup>1</sup>, affects whether or not the district court has jurisdiction to sentence a  
3 defendant as a habitual criminal. Specifically, this Court has never addressed this  
4 jurisdictional issue. In its Order of Affirmance, the Court of Appeals did not even  
5 mention jurisdiction and only analyzed this issue from a notice standpoint.  
6

7  
8 Finally, this issue is one of fundamental statewide importance because it  
9 affects the Due Process rights of all defendants' who meet the criteria set forth to  
10 meet the threshold for habitual criminal treatment. Walker v. Deeds, 50 F.3d 670  
11 (9<sup>th</sup> Cir. Nev. 1995) ("Nevada's law requiring a court to review and make  
12 particularized findings that it is 'just and proper' for a defendant to be adjudged a  
13 habitual offender also creates a constitutionally protected liberty interest in a  
14 sentencing procedure.").

15  
16 Therefore, Chambers respectfully requests that this Court review the Court  
17 of Appeals Order and issue a published decision to create uniformity amongst  
18 Nevada case law and statutory interpretation.  
19  
20

## 21 22 **II. THE COURT OF APPEALS HAS NOT RULED CONSISTENTLY** 23 **WITH NEVADA STATUTES AND LEGISLATIVE INTENT**

24 The Court of Appeals concluded that the 2007 version of NRS 207.016  
25 applied to Chambers sentence as a habitual criminal and therefore, the State had to  
26

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27 <sup>1</sup> NRS 207.010, NRS 207.012 and NRS 207.016 in effect in 2007 and  
28



1 provide notice at some point prior to sentencing as opposed to two days prior to the  
2 start of trial, which is what is required as of the 2013 amendment of NRS 207.016.  
3  
4 OA 13. Chambers does not take issue with the timeliness aspect of this ruling in  
5 the instant Petition. However, if the 2007 version of NRS 207.016 applies, it does  
6 so in its entirety as does the 2007 version of 207.012. **AOB 39-44.**  
7

8 The 2007 version of 207.016 does not allow the State to simply give notice  
9 to a defendant that it intends to seek habitual criminal treatment and it in no way  
10 overrides or renders moot the requirements set forth in NRS 207.012(2). **AOB 42-**  
11 **43.** What is required by the State is clearly outlined in the 2007 version of 207.012  
12 (2), which states:  
13

14  
15 “The district attorney shall include a count under this  
16 section in any information or shall file a notice of  
17 habitual felon if an indictment is found....[...]”

18 Nev. Rev. Stat. § 207.012(2)(emphasis added). **AOB 39-40.**

19 The “relevant statutory scheme” that was applicable to Chambers’ case is as  
20 follows:  
21

- 22 • NRS 207.012(2) and NRS 173.095 control how the State has to file  
23 for habitual criminal treatment—where a defendant has been charged  
24 by way of indictment, the State shall file a notice seeking habitual  
25 treatment; **where a defendant is charged by way of information the  
State SHALL file the habitual criminal charge in an information.**  
26 Nev. Rev. Stat. § 207.012 (2007); Nev. Rev. Stat. §173.095 (1995).
- 27 • NRS 207.012(3) controls the district court’s discretion to sentence a  
28 defendant under NRS 207.012—the district court must sentence the

1 defendant as a habitual criminal **only if the habitual criminal charge**  
2 **is contained in an information or indictment.** Nev. Rev. Stat. §  
3 207.012 (2007).

- 4 • NRS 207.016 controls **when not how** the State has to file for habitual  
5 criminal treatment—the count can be filed before or after conviction  
6 but must be filed 15 days prior to sentencing. Nev. Rev. Stat. §  
7 173.095 (2007).
- 8 • NRS 207.016 also allows the information or indictment to be  
9 amended after conviction only for the purpose of adding the habitual  
10 count. Nev. Rev. Stat. § 173.095 (2007); *see Scott v. State*, 877 P.2d  
11 503, 110 Nev. 622 (1994).

12 **AOB 39-43.**

13 This is not simply a notice issue, it is a *jurisdictional issue*. **AOB 40-41; 44;**  
14 **47.** Respectfully, this jurisdictional issue is not addressed in the Order of  
15 Affirmance.

16 Chambers was charged by way of Information. 1 AA 1-4. Therefore, the  
17 District Court would only have had jurisdiction to sentence Chambers as a habitual  
18 felon under NRS 207.012 had the State filed an amended information including the  
19 charge of habitual criminality. **AOB 41.** However, the State did not do so.  
20

21 Despite the Court of Appeals ruling that if a defendant qualifies as a violent  
22 habitual felon, he *must* be sentenced as such, this is not always true pursuant to the  
23 statute. **OA 14.** In the language of NRS 207.012(3), the Nevada Legislature  
24 enunciates that the District Court only loses discretion to dismiss a count under the  
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1 habitual felon statute “that is included in an indictment or information.” NRS  
2 207.012(3). **AOB 41.** Again, the count must be included in the information for  
3 this non-discretionary aspect of the statute to apply. NRS 207.012 only becomes  
4 mandatory if the habitual felon count is “included in an indictment of information,”  
5 neither of which happened.  
6  
7

8 Here, the only document the State filed was a Notice of Intent to Seek  
9 Habitual Criminal Treatment (2 AA 170-172), which does not comply with NRS  
10 207.012 or NRS 207.016 as they were in 2007. **AOB 39-47.** An amended  
11 information including the habitual criminal count was never filed. **AA generally.**  
12 Therefore, pursuant to NRS 207.012, NRS 207.016, Grey v. State, 124 Nev. 110,  
13 178 P.3d 154 (2008) and Crutcher v. Eighth Judicial Dist. Court, 111 Nev. 1286,  
14 1287, 903 P.2d 823, 824 (1995) the District Court did not have jurisdiction to  
15 sentence Chambers as a habitual criminal. **AOB 47, 53.** To hold otherwise would  
16 be to say that the State does not have to comply with mandatory provisions of a  
17 Nevada statute.<sup>2</sup> **AOB 44-45.**  
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22 In fact, the Nevada legislature later amended 207.016 in 2013 to allow the  
23 State to vest the district court with jurisdiction to sentence a defendant as a habitual  
24 criminal by giving notice, as opposed to filing amended information, even where a  
25

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26  
27 <sup>2</sup> Pursuant to NRS 0.025(d), the use of the word “shall” in a statute imposes a duty  
28 to act. Goudga v. State, 287 P.3d 301, 128 Nev. Adv. Op. 52 (2012). **AOB 44-45**

1 defendant was charged by way of information. **AOV 42-43.**

2 The legislative intent is clear: prior to the 2013 amendment, for a district court to  
3 have jurisdiction to sentence a defendant who was charged by way of information  
4 as a habitual criminal, the State has to charge the habitual criminal count in an  
5 information.  
6  
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8 Therefore, the finding that the District Court properly adjudicated Chambers  
9 as a habitual criminal is in direct conflict with Nevada statutes and legislative  
10 intent regarding how the district court is vested with jurisdiction to do so.  
11

### 12 **III. THE RULING BY THE COURT OF APPEALS CONFLICTS WITH** 13 **SUPREME COURT OF NEVADA CASE LAW** 14

### 15 16 17 18 **IV. THE JURISDICTIONAL CONSEQUENCES OF FAILING TO** 19 **FOLLOWING THE MANDATORY REQUIREMENTS OF NRS** 20 **207.101 AND** 21

22 The Court of Appeals only discussed the notice requirement  
23 did not specifically address the issue of jurisdiction nor did it address or analyze  
24 Chambers' arguments pursuant to Grey v. State, 124 Nev. 110, 124, 178 P.3d 154,  
25 163-64 (2008) and Crutcher v. Eighth Judicial District Court, 111 Nev. 1286, 1289,  
26 903 P.2d 823, 825 (1995). **OA generally.** The only statement the Court of  
27 Appeals made was in a foot note, which stated, "Chambers also argues that the  
28

1 State was required to provide him with notice in the charging document pursuant t  
2 NRS 207.012(2) and (3). We conclude that this argument lacks merit, as Chambers  
3 was given proper notice under the applicable notice provision of NRS 207.016.”

4 **OA 14 fn. 7.** This is in conflict with decisions issued by this Court. How the state  
5 vests the court with jurisdiction is clearly different when the defendant is charge by  
6 way of indictment such as in Grey vs. by way of information such as in Crutcher.  
7

8 **AOB 43-46**

9  
10 In Grey, the Supreme Court addressed whether or not the State properly  
11 vested the district court with jurisdiction to sentence the defendant as a habitual  
12 criminal when the defendant had been **charged by way of indictment**. **AOB 9-11.**  
13  
14 The Supreme Court held that it was plain error for the district court to sentence  
15 Grey as a habitual criminal because the State had not “**duly**” filed the **notice** of  
16 habitual criminality and therefore, the district court did not have jurisdiction to  
17 sentence Grey as a habitual criminal. Id. at 123-24, 178 P.3d at 163-64. **AOB 9-11.**  
18

19  
20 In Crutcher, the Supreme Court addressed whether or not the State properly  
21 vested the district court with jurisdiction to sentence the defendant as a habitual  
22 criminal when the defendant had been **charged by way of information**. **AOB 14-**  
23  
24 **19.** The Supreme Court held that the district court erred in adjudication Crutcher a  
25 habitual criminal because, at that time, “the state had not **filed an information**  
26 seeking to impose the habitual criminal enhancement and listing Crutcher’s prior  
27  
28

1 felony conviction.” *Id.* at 825, 903 P.2d at 1289. **AOB 14-19.** At no point did the  
2 Supreme Court mention a “notice” of habitual criminality because Crutcher was  
3 charged by way of information, not indictment. *Id. generally.* **AOB 14-19.**  
4 Therefore, respectfully, this Court misapprehended a matter of law when it  
5 concluded that the Supreme Court of Nevada determined that district courts only  
6 lack jurisdiction to sentence defendants under the habitual criminal statutes when  
7 the State fails to formally file notices of habitual criminality, citing to Grey<sup>3</sup> and  
8 Crutcher<sup>4</sup>, and affirmed the denial of Chambers’s Motion to Correct Illegal  
9 Sentence. **Order of Affirmance “OA” 1-2.**

13 This Court misapprehended a matter of law when it concluded that  
14 Chambers was properly adjudicated as a habitual criminal pursuant to NRS  
15 207.016(2)(2007)(“A count pursuant to NRS 207.010, 207.012, or 207.014 may be  
16 separately file after conviction of the primary offense but if it is so filed, sentence  
17 must not be imposed or the hearing required by subsection 3 held, until 15 days  
18 after the separate filing.”). **OA 2.** NRS 207.016 is not the controlling statute with  
19 respect to how the district court is vested with jurisdiction to sentence a defendant  
20 as a habitual criminal. **AOB 11-13.**

26  
27 <sup>3</sup> 124 Nev. at 124, 178 P.3d at 163-64.

28 <sup>4</sup> 111 Nev. at 1289, 903 P.2d at 825

1 In Crutcher, in addition to holding that and information (not a notice)  
2 charging the habitual criminal count should have been filed, the Supreme Court  
3 further held that “[t]he **relevant statutory scheme** clearly premises the district  
4 court’s authority to impose a habitual criminal sentence on the State’s filing of an  
5 **allegation of habitual criminality.**” *Id.* at 124, 178 P.3d at 163-64 (emphasis  
6 added). **AOB 15-16.** The Court did not say the filing of a “notice.” It said “filing of  
7 an allegation of habitual criminality” and that the district court’s authority to  
8 impose a habitual sentence is premised upon the “relevant statutory scheme.” **AOB**  
9 **15-16.**

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14 There is no portion of any of the aforementioned statutes as they were in  
15 2009, nor any applicable case law, that allows the State to vest the district court  
16 with jurisdiction to sentence a defendant as a habitual criminal under NRS 207.012  
17 with a notice of habitual criminality **when the defendant was charged via**  
18 **information.** **AOB 21-22** The statutory scheme in 2009 was clear—where a  
19 defendant is charged by way of information, the State must file an information  
20 charging the habitual criminal not a notice. **AOB 11-14.**

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23  
24 The Supreme Court of Nevada and the Nevada Legislature have also made it  
25 clear how statutes are to be interpreted. The word “shall” in a statute imposes a  
26 duty to act. NRS 0.025(d); Goudge v. State, 287 P.3d 301, 128 Nev. Adv. Op. 52  
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(2012); Johanson v. Dist. Ct., 124 Nev. 245, 249–50, 182 P.3d 94, 97 (2008);  
Washoe Med. Ctr. v. Dist. Ct., 122 Nev. 1298 1303, 148 P.3d 790, 793 (2006).  
**AOB 44-46.** Furthermore, the plain language of a statute reflects the legislative  
intent and when the words of that statute have a definite ordinary meaning, the  
court will not look beyond that plain language. Villanueva v. State, 117 Nev. 664,  
27 P.3d 443, 446 (2001); **AOB 46.**

Chambers was charged by way of Information. **AOB 3-4; 1 Appellant's**  
**Appendix ("AA") 1-2.** State filed a Notice of Intent to Seek Habitual Criminal  
Treatment, as opposed to an amended information, in violation NRS 207.012(2)  
and NRS 173.095. **AOB 3-4; 1 AA 5-6.** Therefore, pursuant to the mandates of  
NRS 207.012 and NRS 173.095, the district court only had jurisdiction to sentence  
Chambers under the Robbery statute (NRS 200.380) and did not have jurisdiction  
to sentence Chambers as a habitual felon.<sup>5</sup> Grey, 124 Nev. 110, 178 P.3d 154 and  
Crutcher, 111 Nev. at 1287, 903 P.2d at 824. **AOB 9-11; 14-19.** This amounts to a  
violation of Chambers's right to Due Process under the Fourteenth Amendment to  
the United States Constitution.<sup>6</sup> **AOB 8; 22-23.**

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<sup>5</sup> Moreover and again, pursuant to NRS 207.012(3), the Court was not mandated to sentence Chambers as a habitual criminal due to the fact the State failed to file the habitual criminal **in an information**. **AOB 40-41.**

<sup>6</sup> Walker v. Deeds, 50 F.3d 670 (9<sup>th</sup> Cir. Nev. 1995) ("Nevada's law requiring a court to review and make particularized findings that it is 'just and proper' for a



1 To hold that the district court had jurisdiction to sentence Chambers as a  
2 habitual criminal pursuant to Crutcher, Grey, and NRS 207.016(2) is to hold the  
3 following:  
4

- 5 • The State and district court do not have to comply with mandatory  
6 requirements of Nevada statutes;
- 7 • The State and district court do not have to comply with Nevada  
8 Supreme Court case law;
- 9 • The State and district court can, *sua sponte*, look beyond the plain  
10 language of a statute and create a new interpretation absent case law  
11 allowing them to do so;
- 12 • The State and district court can, *sua sponte*, ignore the legislative  
13 intent behind statute where the words in the statute have a definite  
14 ordinary meaning absent case law allowing them to do so;
- 15 • Jurisdictional rules do not have to be followed; and
- 16 • A defendant's right to Due Process under the Fourteenth Amendment  
17 to the United States Constitution is easily and without warning,  
18 violated and disposed of.

19 **AOB 24-25.**

20 Respectfully, this ruling is the result of a misapprehension of the law  
21 statutorily enunciated in NRS 207.012, NRS 173.095, NRS 207.016, NRS 0.025(d)  
22 as well as the law and facts analytically enunciated by the Supreme Court in Grey,  
23 124 Nev. at 124, 178 P.3d at 163-64; Crutcher, 111 Nev. at 1289, 903 P.2d at 825;  
24 Goudge, 287 P.3d 301, 128 Nev. Adv. Op. 52; Johanson, 124 Nev. at 249–50, 182  
25 P.3d at 97 (2008); Washoe, 122 Nev. at 1303, 148 P.3d at 793; Villanueva, 117

26 defendant to be adjudged a habitual offender also creates a constitutionally  
27 protected liberty interest in a sentencing procedure.”). **AOB 8.**

1 Nev. 664, 27 P.3d at 446; Harris Assocs., 119 Nev. at 641-42, 81 P.3d at 534; and  
2 Walker, 50 F.3d 670. Therefore, Chambers requests that this Court reconsider its  
3  
4 previous Order of Affirmance of the denial of his Motion to Correct Illegal  
5 Sentence.

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18 **CONCLUSION**

19 Based upon the arguments contained herein, Chamber's respectfully requests  
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21 that this Court review and reverse the decision of the Court of Appeals regarding  
22 his adjudication as a habitual criminal, and REVERSE his sentence of life without  
23 the possibility of parole.

24  
25 Dated this \_\_\_\_<sup>nd</sup> day of December, 2019.

26 Respectfully submitted,  
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/s/ Jean Schwartzer  
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Counsel for Appellant

1 **CERTIFICATE OF COMPLIANCE**

2 1. I hereby certify that this brief complies with the requirements of NRAP  
3 NRAP 32(a)(4)-(6) and NRAP 32(a)(7)(C). because:  
4

5 **[X] This brief has been prepared in a proportionally spaced typeface**  
6 **using Microsoft Word 2010 Edition in Times New Roman 14 point font; or**  
7

8 [ ] This brief has been prepared in a monospaced typeface using [state name  
9 and version of word-processing program] with [state number of characters per inch  
10 and name of type style].  
11

12 2. This brief exceeds the with the page- or type-volume limitations of NRAP  
13 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C),  
14 it is either:  
15

16 [ ] Proportionately spaced, has a typeface of 14 points or more, and contains  
17 \_\_\_\_\_ words; or  
18

19 [ ] Monospaced, has \_\_\_\_\_ or fewer characters per inch, and contains \_\_\_\_\_  
20 words or \_\_\_\_\_ lines of text; or  
21

22 **[ X] Does not exceed 10 pages.**

23 3. Finally, I hereby certify that I have read this appellate brief, and to the best  
24 of my knowledge, information, and belief, it is not frivolous or interposed for any  
25 improper purpose. I further certify that this brief complies with all applicable  
26 Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires  
27  
28

1 every assertion in the brief regarding matters in the record to be supported by a  
2 reference to the page and volume number, if any, of the transcript or appendix  
3 where the matter relied on is to be found. I understand that I may be subject to  
4 sanctions in the event that the accompanying brief is not in conformity with the  
5 requirements of the Nevada Rules of Appellate Procedure.  
6  
7

8 DATED this \_\_\_\_\_ day of December, 2019.  
9  
10  
11

12 /s/ Jean Schwartzer  
13 JEAN J. SCHWARTZER, ESQ  
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21 Counsel for Appellant  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that Appellant's Petition for Rehearing was filed  
3 electronically with the Nevada Supreme Court on the \_\_\_\_ day of December,  
4 2019. Electronic Service of the foregoing document shall be made in accordance  
5 with the Master Service List as follows:  
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7 ALEXANDER G. CHEN, ESQ.

8 AARON FORD, ESQ.

9 I further certify that I served a copy of this document by mailing a true and  
10 correct copy thereof, postage pre-paid, addressed to:  
11

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13 Inmate No: 76089  
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18 BY: /s/ Jean Schwartzer  
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