

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

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ALFRED HARVEY,  
Appellant,

v.

THE STATE OF NEVADA,  
Respondent.

Electronically Filed  
May 29 2020 11:05 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO: 72829-1

**AMENDED NOTICE OF SUPPLEMENTAL AUTHORITIES**

**Appeal from Judgment of Conviction  
Eighth Judicial District Court, Clark County**

Comes now the State of Nevada, by STEVEN WOLFSON, District Attorney, through his chief deputy, Jonathan VanBoskerck and moves this Court to file the instant Amended Notice of Supplemental Authorities pursuant to Rule 31(e) of the Nevada Rules of Appellate Procedure (NRAP), NRAP Rule 27 and this Court's Order Granting Motion to Strike, filed May 28, 2020.

Dated this 29<sup>th</sup> day of May, 2020.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY /s/ Jonathan E. VanBoskerck

JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney  
Nevada Bar #006528  
Office of the Clark County District Attorney

**POINTS AND AUTHORITIES IN SUPPORT OF NOTICE OF  
SUPPLEMENTAL AUTHORITIES**

Respondent supplements pages 3-9 of Respondent's Answer to Petition for Review with the following authority: Berger v. U.S., 295 U.S. 78, 82-84, 55 S.Ct. 629, 630-31 (1935); U.S. v. Knuckles, 581 F.2d 305, 311-12 (2nd Cir. 1978); U.S. v. Von Stoll, 726 F.2d 584, 586-87 (9th Cir. 1984); U.S. v. Hoke, 610 F.2d 678, 679 (9th Cir. 1980); Shaw v. U.S., 392 F.2d 579, 579 (9th Cir. 1968); Smiley v. U.S., 186 F.2d 903, 904-05 (9th Cir. 1951). Concisely stated, these authorities support the proposition that any variance between the facts proved at trial and the facts pled in the charging document do not require reversal.

**CONCLUSION**

Respondent respectfully requests that this Court affirm the decision below.

Dated this 29<sup>th</sup> day of May, 2020.

Respectfully submitted,

**STEVEN B. WOLFSON**  
Clark County District Attorney

BY */s/ Jonathan E. VanBoskerck*

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on May 29, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT  
Nevada Attorney General

SHARON G. DICKINSON  
Deputy Public Defender

JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney

BY /s/ J. Garcia  
Employee, District Attorney's Office

JEV//jg