

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW LEON MOULTRIE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 65390

**FILED**

SEP 19 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY [Signature]  
CHIEF DEPUTY CLERK

*ORDER DENYING MOTION TO STRIKE*

Appellant has filed a motion to strike portions of the fast track response on the ground that they lack adequate citation to the record as required by NRAP 28(e). Many of the instances identified by appellant are argument or legal assertions, not assertions regarding matters in the record that must be supported by reference to the appendix. *See* NRAP 28(e). Four specific instances identified by appellant involve assertions regarding matters in the record (how the district court or justice court ruled and that the State sought to amend the complaint) and are not accompanied by citations to the record in violation of NRAP 28(e). However, those instances are minor and two of them appear elsewhere in the brief with citations. In response to the motion, respondent has identified citations for the offending instances. Under the circumstances, we conclude that striking the challenged portions of the fast track response is not necessary. The motion therefore is denied.

It is so ORDERED.

[Signature], C.J.

cc: Christopher R. Arabia  
Attorney General/Carson City  
Esmeralda County District Attorney