1 IN THE SUPREME COURT OF THE STATE OF NEVADA 2 3 Electronically Filed THE STATE OF NEVADA, 4 Apr 27 2016 11:26 a.m. Tracie K. Lindeman 5 Petitioner, Case No. 66816 6 VS. 7 8 JONATHAN QUISANO, 9 Respondent. 10 11 RESPONDENT'S ANSWER TO STATE'S PETITION FOR REVIEW 12 COMES NOW Respondent, JONATHAN QUISANO, by and 13 14 through his attorney, NORMAN J. REED, Deputy Public Defender, and Answers 15 the State's Petition for Review by the Nevada Supreme Court in the above entitled 16 17 case. 18 This Answer is based upon the following memorandum of points and 19 authorities and all papers and pleadings on file herein. 20 21 DATED this 27th day of April, 2016. 22 PHILIP J. KOHN 23 CLARK COUNTY PUBLIC DEFENDER 24 25 26 By <u>/s/Norman J. Reed</u> NORMAN J. REED, #3795

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Deputy Public Defender

MEMORANDUM OF POINTS AND AUTHORITIES

This Honorable Court has directed Respondent to Answer the Petition for discretionary review. Mr. Quisano encourages review of the intermediate appellate court's published opinion. Respondent is confident that the High Court will recognize that the Clark County District Attorney's Office maintained an open-file policy during the pendency of this case. Moreover, whether or not the prosecution's file was open or closed, Quisano was entitled to production of the affidavit signed by the only witness that testified at the sentencing proceeding. Respondent would have approached the sentencing with a completely different strategy if prior disclosure took place. Quisano maintains a reasonable belief that the outcome of the sentencing hearing would have been different absent the discovery violation. Respondent respectfully requests that the Supreme Court remand the matter to sentence Quisano anew.

DATED this 27th day of April, 2016.

PHILIP J. KOHN CLARK COUNTY PUBLIC DEFENDER

By <u>/s/Norman J. Reed</u>
NORMAN J. REED, #3795
Deputy Public Defender

CERTIFICATE OF SERVICE I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 27th day of April, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows: ADAM LAXALT NORMAN J. REED STEVEN S. OWENS NANCY L. LEMCKE **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: JONATHAN QUISANO NDOC No. 1128389 c/o High Desert State Prison P.O. Box 650 Indian Springs, NV 89018 BY /s/ Carrie M. Connolly Employee, Clark County Public Defender's Office 24 26

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