

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLO THOMAS,

Appellant,

v.

WILLIAM GITTERE, et al.,

Respondents.

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Jul 09 2020 01:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No. 77745
District Court Case No. 96C13682-1
(Death Penalty Habeas Corpus
Case)

NOTICE OF SUPPLEMENTAL AUTHORITY

Appellant Marlo Thomas, through counsel, hereby files this Notice of Supplemental Authority pursuant to NRAP 31(e) and NRAP 27.

On July 9, 2020, this Court decided *Matthews v. State*, No. 77751, 136 Nev. __, (July 9, 2020), overturning Matthews' conviction because the prosecutor violated *Batson v. Kentucky*, 476 U.S. 79 (1986).

Matthews supports Mr. Thomas's argument that the district court failed to correctly apply the *Batson* framework in this case, and that the prosecutor's disparate questioning of black prospective juror Kevin

Evans was evidence of discriminatory intent. *See* Opening Br. at 140-50; Reply Br. at 34-37.

DATED this 9th day of July, 2020.

Respectfully submitted,

/s/ Joanne L. Diamond

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 9th day of July, 2020, electronic service of the foregoing Notice of Supplemental Authority shall be made in accordance with the Master Service List as follows:

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/s/ *Jeremy Kip*

An Employee of the
Federal Public Defender,
District of Nevada