

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLO THOMAS,

Appellant,

v.

WILLIAM GITTERE, et al.,

Respondents.

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Jul 23 2020 04:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 77345

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 June 15, 2020, the United States Supreme Court decided *Andrus v. Texas*, 140 S. Ct. 1875 (2020). The Court held Andrus' counsel performed deficiently by failing to investigate and present mitigation evidence, and the Court remanded to the Texas Court of Criminal Appeals to properly apply the prejudice prong of *Strickland*. *Andrus* supports Mr. Thomas' argument that his penalty-phase-retrial counsel were ineffective because their mitigation investigation and

presentation were deficient and this deficient performance prejudiced Mr. Thomas. *See* Opening Br. at 86-116; Reply Br. at 20-29.

DATED this 23rd day of July, 2020.

Respectfully submitted,

/s/ Joanne L. Diamond

JOANNE L. DIAMOND

Assistant Federal Public Defender

Nevada Bar No. 14139C

411 E. Bonneville Ave., Suite 250

Las Vegas, Nevada 89101

702-388-6577

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 23rd 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:

Alexander G. Chen
alexander.chen@clarkcountyda.com

/s/ *Jeremy Kip*

An Employee of the
Federal Public Defender,
District of Nevada