

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY; A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; THE STATE OF NEVADA
EX REL. NEVADA COMMISSION ON
PEACE OFFICER STANDARDS AND
TRAINING

Case No. 78434

Electronically Filed
Jul 10 2019 08:22 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appellants,

vs.

ROBERT ELIASON, AN INDIVIDUAL
AND IN HIS OFFICIAL CAPACITY
AS CONSTABLE OF NORTH LAS
VEGAS TOWNSHIP,

Respondent.

**NOTICE TO THE COURT REGARDING NON-RESPONSE BY
APPELLANT NEVADA COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING**

The State of Nevada, ex rel. its Commission on Peace Officers' Standards and Training (hereinafter POST Commission), by and through their attorneys Aaron D. Ford, Attorney General, and Michael D. Jensen, Senior Deputy Attorney General, provides this Honorable court with Notice of its intent to forego the filing of an Opening Brief in this appeal.

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This case involves a question certified by the United States District Court, District of Nevada, to this Court on a question of Nevada law. The certified question is as follows: “Does NRS 258.007 give the Clark County Board of County Commissioners the power to remove a constable from office, or can a constable be removed only with a quo warranto action?” The POST Commission has no enforcement authority over the North Las Vegas Township Constable for his failure to become certified as required by NRS 258.007. As a result, the POST Commission has no authority to remove Mr. Eliason from office. Because the POST Commission cannot take any enforcement action against Mr. Eliason, the POST Commission does not take a position on the certified question of law currently pending before this Court. The POST commission desires to maintain its neutral position on the question of law, and therefore provides this Court with notice that it waives its right to file an opening brief.

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This notice should not be construed as a waiver of the right to address, in connection with the case pending in the United States District Court, District of Nevada, any and all claims and/or causes of action implicating any interests, rights or duties of the POST Commission.

DATED this 10th day of July, 2019.

AARON D. FORD
Attorney General

By: /s/ Michael D. Jensen
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 10th day of July, 2019, I served a copy of the foregoing NOTICE TO THE COURT REGARDING NON-RESPONSE BY APPELLANT NEVADA COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING, by electronic filing to:

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/s/ B. Cozens
B. Cozens, an employee of the office
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