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Elizabeth A. Brown
Clerk of Supreme Court

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9 CRAIG RODGERS,

10 Appellant,

Docket No.

79714

11 *vs.*

12 THE STATE OF NEVADA,

13 Respondent.

**RESPONSE TO
ORDER TO SHOW CAUSE**

14
15 Appellant Craig Rodgers, through appointed counsel John Parris,
16 hereby submits this Response to Order to Show Cause. Attached is a memo-
17 randum of points and authorities in support.

18
19 DATED this 30 of October, 2019.

20 /s/ John Parris

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On September 24, 2019, the undersigned counsel initiated the instant
3 appeal from the Judgment of Conviction in Eighth Judicial District Court
4 case number C-16-314359-1. This Court filed an Order to Show Cause and
5 Suspending Briefing on October 8, 2019. This response follows.

6 Appellant would ask this Court to hold harmless any defects in filing
7 the notice of appeal. Pursuant to Nevada law, defense counsel has the duty
8 to perfect an appeal when a defendant has been convicted and expresses ei-
9 ther a desire to appeal or dissatisfaction with the conviction. *Lozada v. State*,
10 110 Nev. 349, 354, 871 P.2d 944, 947 (1994). Defense counsel's failure to do
11 so is per se ineffective and prejudicial. *Id.* The remedy for such a deficiency
12 is an order issued to the district court clerk to file a notice of appeal and pro-
13 ceed with a direct appeal before this Court. *See* NRAP 4(c). If this Court does
14 find that the notice of appeal does not relate back, it is likely that Appellant
15 will prevail on a post-conviction petition for writ of habeas corpus alleging
16 ineffective assistance of appellate counsel, the ultimate result being that Ap-
17 pellant's case will languish for an indeterminate period prior to this appeal
18 finally being heard on the merits.

19 For those reasons, Appellant would ask this Court to reinstate briefing
20 on this matter.

21
22 DATED this 30 of October, 2019.

23 /s/ John Parris

24

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Counsel for Appellant

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am a person competent to serve papers, that I am
3 not a party to the above-entitled action, and that on October 30, 2019, I
4 served the foregoing document via the Nevada Supreme Court's eFlex system
5 on the counsel and/or parties as listed below:
6

7	Name	Address
8	Steven B. Wolfson, Esq.	200 Lewis Ave.
9	Steven S. Owens, Esq.	Las Vegas, NV 89155
10	Clark County District Attorney's Office	
11	Aaron D. Ford, Esq.	100 N. Carson St.
12	Nevada Attorney General's Office	Carson City, NV 89701

13
14 /s/ John Parris
15 **JOHN P. PARRIS, ESQ.**
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22
23
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25

26 **AFFIRMATION**

27 Pursuant to NRS 239B.030, this document contains no social security numbers.

28 /s/ John Parris

John P. Parris, Esq.

10-30-19

Date