

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL HOWARD,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

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Electronically Filed
Mar 24 2021 11:29 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 81278 & 81279

NON-OPPOSITION TO RENEWED MOTION TO EXPEDITE

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JONATHAN E. VANBOSKERCK, and files this Non-Opposition to Renewed Motion to Expedite. This motion is filed pursuant to Nevada Rules of Appellate (NRAP) Rules 27 and 34(f)(2) and is based on the following memorandum and all pleadings on file herein.

Dated this 24th day of March, 2021.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar # 001565

BY /s/ Jonathan E. VanBoskerck

JONATHAN E. VANBOSKERCK
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ARGUMENT

Respondent has previously not opposed Appellant's request to expedite and has waived oral argument in order to facilitate the Ninth Circuit's deadline. None of that has changed. However, undersigned counsel wanted to make a record that this Court has not delayed the adjudication of Appellant's appeal in any fashion. Capital habeas cases are huge monsters that take a substantial amount of time. While this appeal raises a single discrete legal issue, that issue is novel and complex, and the record is extensive. The justices of this court cannot be faulted for investing the time necessary to properly and fairly process this case. The record stretches back to 1981. This matter has been continuously litigated in state and federal courts since that date. While the appeal raises a single issue, it is one of first impression in this jurisdiction. Respondent invested significant time into researching this novel issue and Appellant likely did too. It is not unreasonable to expect that this Court will also spend significant time studying this issue. On top of that, the work of this Court, like the rest of the world, has been significantly disrupted by the response to COVID-19. There has been no undue delay in the proceedings of this Court and if the Ninth Circuit is unwilling to give this Court the time it needs to do the job right, then that Court can always act without waiting for this Court. This Court needs to adjudicate this case correctly not just quickly because it will likely create a rule of law that will impact more than Appellant's case.

CONCLUSION

WHEREFORE, the State respectfully indicates that it has no opposition to Appellant's request to expedite but is cognizant of this Court's need for adequate time to do the job right.

Dated this 24th day of March, 2021.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ Jonathan E. VanBoskerck
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on March 24, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY /s/ E. Davis
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JEV//ed