

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL HOWARD,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

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Oct 01 2020 01:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 81278 & 81279

NON-OPPOSITION TO MOTION TO EXPEDITE
AND WAIVER OF ORAL ARGUMENT

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 Motion to Expedite and Waiver of Oral Argument. 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 1st day of October, 2020.

Respectfully submitted,

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

BY */s/ Jonathan E. VanBoskerck*

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528
Office of the Clark County District Attorney

ARGUMENT

As noted in Appellant's Unopposed Motion to Expedite, filed October 1, 2020, Respondent does not oppose his request that the Court render a decision in this case by January 23, 2021. (Appellant's Unopposed Motion to Expedite, filed October 1, 2020, p. 4). Also, as noted in that pleading Respondent would prefer that any oral argument not be set for December through early January. Id. Undersigned counsel will be out of the jurisdiction on vacation from December 1, 2020, through December 18, 2020. Additionally, undersigned counsel will be moving into a new home sometime in late December to mid-January. In order to facilitate any attempt by this Court to adjudicate this appeal by January 23, 2021, Respondent waives oral argument pursuant to NRAP 34(f)(2). This appeal presents a single discrete legal issue that was extensively briefed both below and on appeal. However, if this Court desires oral argument, counsel for Respondent is more than willing to provide it.

CONCLUSION

WHEREFORE, the State respectfully indicates that it has no opposition to Appellant's request to expedite and is willing to waive oral argument to facilitate any attempt by this Court to adjudicate this appeal by January 23, 2021.

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Dated this 1st day of October, 2020.

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 October 1, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

JONAH J. HORWITZ
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Federal Defender Services of Idaho

LANCE J. HENDRON, ESQ.
Counsel for Appellant

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney

/s/ E. Davis

Employee, Clark County
District Attorney's Office

JEV//ed