

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE MICHAEL CAMERON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83531

FILED

JAN 11 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DIRECTING SUPPLEMENTAL BRIEFING

The court previously granted en banc reconsideration in this case and submitted the case on the briefs previously filed. Upon further consideration, we conclude that supplemental briefing on the following issues will assist the court in resolving this matter.

1. Can shooting a bullet into a vehicle, without the shooter's hand or the gun held in his hand crossing the plane of the vehicle, constitute an "entry" under NRS 193.0145 and thus be a basis for finding burglary?
2. What is the appropriate theory and standard of review regarding any error that occurred when the district court overruled Cameron's objection to the prosecutor's presentation of the bullet entry theory of burglary during closing argument? Is the matter appropriately analyzed under *Cortinas v. State*, 124 Nev. 1013, 195 P.3d 315 (2008), *Nay v. State*, 123 Nev. 326, 167 P.3d 430 (2007), or *Hedgpeth v. Pulido*, 555 U.S. 57 (2008), under *Gordon v. State*, 121 Nev. 504, 117 P.3d 214 (2005) or *Rhyne v. State*, 118 Nev. 1, 38 P.3d 163 (2002), or under some other standard?
3. How do the different standards of review and harmful/prejudicial error apply to this case in light of the

State's alternative theories of first-degree and felony murder, including multiple theories of liability under the felony murder designation?

4. Did Cameron sufficiently raise any error with the bullet entry theory of burglary in his appellate briefs to warrant full consideration by this court?

The parties shall have 21 days from the date of this order to file simultaneous supplemental briefs addressing the foregoing issues. The briefs shall comply with the format and length limitations stated in NRAP 28 and 32, except that they should not address issues that do not fall within the scope of those listed above and do not need to repeat the disclosures and jurisdictional and routing statements required by NRAP 28(a)(1), (4), and (5). Each party shall have 14 days within which to file a responding brief to the opposing party's supplemental brief that does not exceed the page/type-volume limitations for a reply brief under NRAP 32(a)(7)(A). The briefs may rely on the existing appendices. No extensions of time will be granted, except on a showing of extraordinary cause. Upon completion of the briefing, the matter will be scheduled for oral argument.

It is so ORDERED.

Stiglich, C.J.
Stiglich

cc: Richard F. Cornell
Attorney General/Carson City
Washoe County District Attorney