

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CRAIG ALLEN RODGERS,

Appellant,

v.

WILLIAM HUTCHINGS, WARDEN;
STEVEN B. WOLFSON, DISTRICT
ATTORNEY; AND THE STATE OF
NEVADA,

Respondent.

Electronically Filed
Oct 26 2021 10:34 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 82645-COA

ANSWER TO ORDER TO SHOW CAUSE

COMES NOW the State of Nevada by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, KAREN MISHLER, and submits this answer to this Court's Order to Show Cause filed October 13, 2021.

This answer is based on the following memorandum and all papers and pleadings on file herein.

Dated this 26th day of October, 2021.

Respectfully submitted,

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

BY */s/ Karen Mishler*

KAREN MISHLER
Chief Deputy District Attorney
Nevada Bar #013730
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Post Office Box 552212
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**MEMORANDUM OF
POINTS AND AUTHORITIES**

On October 13, 2021, this Court issued an Order to Show Cause as to why this Court should not reverse the district court's order denying Rodgers' petition as untimely and remand for the district court to consider Rodgers' petition on the merits.

The State concedes that the district court erred in concluding that Rodgers' petition was untimely. While Rodgers' petition was filed on August 31, 2020, the petition was received by the court clerk on August 20, 2020, within the one-year deadline specified in NRS 34.726(1). Record on Appeal at 1. Accordingly, the State has no objection to this Court reversing the district court's order and remanding the matter to the district court for consideration

Dated this 26th day of October, 2021.

Respectfully submitted,

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

BY */s/ Karen Mishler*

KAREN MISHLER
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Court of Appeals on October 26, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

KAREN MISHLER
Chief Deputy District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

CRAIG ALLEN RODGERS, #1221816
Southern Desert Correctional Center
20825 Cold Creek Road
Post Office Box 208
Indian Springs, Nevada 89070

BY /s/ E. Davis
Employee, District Attorney's Office

KM//ed