

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS CARRILLO,

Petitioner,

vs.

**THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY; AND
THE HONORABLE JAMES E. WILSON,**

Respondents,

And

THE STATE OF NEVADA,

Real Party in Interest.

_____ /

WRIT OF MANDAMUS/PROHIBITION

FIRST JUDICIAL DISTRICT COURT, CARSON CITY

KARIN L. KREIZENBECK
Nevada State Public Defender

SALLY S. DESOTO
Chief Appellate Deputy
Bar I.D. No. 8790
511 E. Robinson St
Carson City, NV 89701
(775) 684-1080

Electronically Filed
Dec 02 2021 03:47 p.m.
Case No. Elizabeth A. Brown
Clerk of Supreme Court

TABLE OF CONTENTS

TABLE OF AUTHORITIES	i-iii
STATEMENT OF THE ISSUES.....	1
ROUTING STATEMENT.....	1
APPLICABLE PROCEDURES AND FACTS	1-2
STANDARD OF REVIEW	3-9
LEGAL ARGUMENT	9-13
A. THE DISTRICT COURT ERRED IN FINDING THERE WAS SUFFICIENT EVIDENCE TO BIND PETITION OVER FOR BATTERY CONSTITUTING DOMESTIC VIOLENCE, COMMITTED THROUGH STRANGULATION, BECAUSE THE STATE FAILED TO SHOW THAT PETITIONER STRANGLED HARRISON.	9-12
B. IT WAS ERROR FOR THE DISTRICT COURT TO FIND THERE WAS SUFFICIENT EVIDENCE TO BIND PETITIONER OVER FOR BATTERY CONSTITUTING DOMESTIC VIOLENCE WITH PRIOR FELONY CONVICTION BECAUSE THE STATE FAILED TO PROVE THE PRIOR FELONY CONVICTION.....	12-13
CONCLUSION	14
AFFIDAVIT IN SUPPORT OF APPLICATION FOR WRIT	15
CERTIFICATE OF COMPLIANCE	16

TABLE OF AUTHORITIES

Cases

<i>Beazer Homes Nevada, Inc. v. Dist Ct.</i> , 120 Nev. 575, 97 P. 3d 1132 (2004)	5
<i>Bennett v. Eighth Judicial Dist. Court</i> , 121 Nev. 802, 121 P.3d 605 (2005) ..	3, 4
<i>Borger v. Dist. Ct.</i> , 120 Nev. 1021, 102 P. 3d 600 (2004)	5
<i>Hickey v. District Court</i> , 105 Nev. 729, 782 P. 2d 1336 (1989).....	4
<i>Kinsey v. Sheriff</i> , 87 Nev. 361, 487 P.2d 340 (1971).....	10
<i>Parsons v. State</i> , 116 Nev. 928, 10 P.3d 836 (2000)	12
<i>Pengilly v. Rancho Santa Fe Homeowners Ass'n</i> , 116 Nev. 646, 5 P. 3d 569 (2000)	
.....	3
<i>People v. Thoma</i> , 58 Cal. RPAr. 3d 855 (Cal. Ct. App. 2007)	13
<i>Redeker v. Dist. Ct.</i> , 122 Nev. 164, 127 P. 3d 520 (2006).....	3
<i>Ryan v. Eighth Judicial District Court</i> , 168 P. 3d 703 (2007).....	3
<i>Scarbo v. Eighth Judicial District Court</i> , 125 Nev. 118, 206 P.3d 975 (2009)...	3
<i>Sheriff v. Richardson</i> , 103 Nev. 180, 734 P.2d 735 (1987)	10
<i>Smith v. District Court</i> , 113 Nev. 1343, 950 P. 2d 280 (1997).....	5
<i>Smith v. Eighth Judicial Dist. Court</i> , 107 Nev. 674, 818 P.2d 849 (1991)	4
<i>State ex rel Dept. Transp. v. Thompson</i> , 99 Nev. 358, 662 P. 2d 1338 (1983)	4
<i>State v. Dist. Ct. (Riker)</i> , 121 Nev. 225, 112 P.3d 1070 (2005)).	4
<i>State v. Eighth Judicial Dist. Court</i> , 116 Nev. 374, 997 P. 2d 126 (2000).....	3
<i>State v. Eighth Judicial Dist. Court</i> , 118 Nev. 140, 42 P.3d 233 (2002).....	5
<i>Wardleigh v. Second Jud. Dist. Court</i> , 111 Nev. 345, 891 P. 2d 1180 (1995)....	4
<i>Washoe Medical Center v. Second Judicial District Court</i> , 122 Nev. 1298, 148 P.	
3d 790 (2006).....	4

Statutes

NRS 34.150	3
NRS 34.160.	4
NRS 34.160	3
NRS 34.170	4
NRS 34.320	3
NRS 171.206	9
NRS 197.190.	1
NRS 200.481	2, 5
NRS 200.485(3).....	2
NRS 200.485	1
NRS 33.018	1, 2
NRS 34.170	4

Other Authorities

<i>Hill v. Williams</i> , 2021 U.S. Dist. LEXIS 135788, 2021 WL 3082363	11
https://www.mussenhealth.us/carbon-monoxide/deaths-from-choke-or-carotid .11	

Rules

NRAP 17(a)(10), (11).	1
NRAP 17 (1)(12).....	1

1 **I. RELIEF SOUGHT**

2 Petitioner, Thomas Carrillo, petitions this court to grant a Writ of
3 Mandamus and/or Prohibition, to the First Judicial District Court with an order
4 directing the district court to dismiss the criminal information because a trial on
5 the charges will violate Petitioner's Due Process Rights under the Fifth and
6 Fourteenth Amendments.

7 **II. ISSUES PRESENTED**

8 a. Whether the district court erred in denying Petitioner's Pretrial
9 Petition for a Writ of Habeas Corpus.

10 **III. ROUTING STATEMENT**

11 It is unclear from NRAP 17 whether this case should be retained by the
12 Supreme Court or is presumptively before the Court of Appeals, however,
13 Petitioner requests this case be retained by the Supreme Court based on a matter
14 of public importance. NRAP 17 (1)(12).

15 **IV. APPLICABLE PROCEDURES AND FACTS**

16 On June 30, 2021, Petitioner, Thomas Carrillo, proceeded to a preliminary
17 examination under Criminal Complaint charging the following: Count I: Battery
18 that Constitutes Domestic Violence, Committed by Strangulation, a category C
19 felony as defined by NRS 33.018, NRS 200.485; and Count II: Obstructing a
20 Public Officer: a misdemeanor as defined by NRS 197.190. Petitioner's

1 Appendix at 15.¹

2 During the preliminary hearing, the State decided that it would also
3 pursue a charge of Battery that Constitutes Domestic Violence with Prior
4 Felony, a category B Felony as defined by NRS 33.018, NRS 200.481 and NRS
5 200.485(3).

6 After the preliminary hearing, the Petitioner was bound over to the
7 District Court on both domestic violence counts. PA at 18. The Petitioner was
8 arraigned on July 13, 2021, before the district court and pleaded not guilty to all
9 counts.

10 On August 9, 2021, Petitioner filed a Pretrial Petition for a Writ of Habeas
11 Corpus in the district court, claiming that the justice court erred in binding
12 Petitioner over for the counts of Battery that Constitutes Domestic Violence by
13 Strangulation and Battery that Constitutes Domestic Violence with a Prior
14 Felony. On November 12, 2021, the district court issued an Order Denying
15 Petition for Writ of Habeas Corpus.

16 Petitioner now files this Writ of Mandamus/Prohibition, requesting that
17 this Court issue the Writ and Order the District Court to dismiss the criminal
18 information against Petitioner for insufficient evidence at the preliminary
19 hearing.

20 _____
Hereinafter "PA."

V. STANDARD OF REVIEW

"A writ of mandamus is an extraordinary remedy by this court, 'to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station or to control a manifest abuse of or arbitrary or capricious exercise of discretion' or to clarify 'an important issue of law.'" *Bennett v. Eighth Judicial Dist. Court*, 121 Nev. 802, 806, 121 P.3d 605, 608 (2005) (internal citations omitted.); *see also*, *Ryan v. Eighth Judicial District Court*, 168 P. 3d 703, 707 (2007); *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 5 P. 3d 569, 571 (2000); *State v. Eighth Judicial Dist. Court*, 116 Nev. 374, 997 P. 2d 126 (2000); *Redeker v. Dist. Ct.*, 122 Nev. 164, 167, 127 P. 3d 520, 522 (2006); and *Scarbo v. Eighth Judicial District Court*, 125 Nev. 118, 206 P.3d 975 (2009).

A Writ of Mandamus, or writ of mandate, is a proper remedy to compel performance of a judicial act. NRS § 34.150; NRS § 34.320; and NRS § 34.160 specifies when a writ may issue and states the following:

The writ may be issued by the supreme court, a district court or a judge of the district court, to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station; or to compel the admission of a party to the use and enjoyment of a right or office to which he is entitled and from which he is unlawfully precluded by such inferior tribunal, corporation, board or person.

1 A writ of mandamus is a proper remedy and may be issued in cases where
2 there is no plain, speedy or adequate remedy in the ordinary course of the law to
3 compel the performance of an act which the law requires as a duty resulting
4 from an office. NRS § 34.170; *See, Smith v. Eighth Judicial Dist. Court*, 107
5 Nev. 674, 818 P.2d 849 (1991); *see also, Wardleigh v. Second Jud. Dist. Court*,
6 111 Nev. 345, 891 P. 2d 1180, 1183-84 (1995).

7 "The decision whether to issue a writ lies within this Court's discretion,
8 where this Court considers the interests of judicial economy and sound judicial
9 administration." *Bennett v. Eighth Judicial Dist. Court*, 121 Nev. 802, 806, 121
10 P.3d 605, 608 (2005) (citing *State v. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112
11 P.3d 1070, 1074 (2005)). *See also, Hickey v. District Court*, 105 Nev. 729, 731,
12 782 P. 2d 1336, 1338 (1989) (mandamus and prohibition); *State ex rel DePA.*
13 *Transp. v. Thompson*, 99 Nev. 358, 361, 662 P. 2d 1338, 1339 (1983)
14 (mandamus).

15 This Court discussed writs of mandamus in *Washoe Medical Center v.*
16 *Second Judicial District Court*, 122 Nev. 1298, 1301, 148 P. 3d 790, 792 (2006),
17 and stated:

18 A writ of mandamus is available "to compel the performance of an
19 act which the law especially enjoins as a duty resulting from an
20 office, trust or station." NRS 34.160. A writ of mandamus will only
issue if the petitioner has no "plain, speedy and adequate remedy in
the ordinary course of law." NRS 34.170. Because mandamus is an
extraordinary remedy, the decision to entertain a petition lies within

1 this court's discretion. *Borger v. Dist. Ct.*, 120 Nev. 1021, 1025, 102
2 P. 3d 600, 603 (2004). And unless dismissal is clearly required by a
3 statute or rule or an important issue of law needs clarification, this
4 court will not exercise its discretion to consider writ petitions that
5 challenge district court orders denying motions to dismiss. *Beazer
Homes Nevada, Inc. v. Dist Ct.*, 120 Nev. 575, 578-79, 97 P. 3d
1132, 1134, (2004); *Smith v. District Court*, 113 Nev. 1343, 1345,
950 P. 2d 280, 281 (1997).

6 Writ relief is not proper to control the judicial discretion of the district
7 court, "unless discretion is manifestly abused or is exercised arbitrarily or
8 capriciously." *State v. Eighth Judicial Dist. Court*, 118 Nev. 140, 147, 42 P.3d
9 233, 237-38 (2002).

10 This case involves an "important issue of law [that] needs clarification"
11 and "sound judicial economy and administration militate in favor of granting the
12 petition." *Smith v. District Court*, 113 Nev. 1343, 1345, 950 P.2d 280, 281
13 (1997).

14 According to NRS 200.481 (1)(i), strangulation means "intentionally
15 impeding the normal breathing or circulation of the blood by applying pressure
16 on the throat or neck or by blocking the nose or mouth of another person in a
17 manner that creates a risk of death or substantial bodily harm."

18 At the preliminary examination in this case, witness Helen Kenton
19 testified that on June 12, 2021, she was in her apartment and she heard a loud
20 scuffle. PA at 28:19-30:24. Kenton opened up the front door and she saw a
man who she identified as Petitioner, with his girlfriend down on the ground

1 with his hand around her throat. PA at 30:16-31:23. The girlfriend was saying
2 "I had your back" while he had his hand on her neck. PA at 33:17-24.

3 On cross-examination, Kenton testified that the girlfriend, Ms. Harrison,
4 was talking but not yelling or screaming. PA at 48:7-18. And that Harrison was
5 talking to Petitioner the entire time. PA at 51:16-18. Kenton testified that
6 Petitioner was holding the neck with his thumb on one side and his fingers on
7 the other. PA at 51:12-14. Kenton testified that, from personal experience, she
8 did not remember being able to speak when she was being choked. PA at 57:18-
9 21. She said when she was choked by an abusive husband, it was challenging to
10 speak, and when she had been able to speak, her voice sounded like pleading.
11 PA at 57:23-58:7.

12 She testified that when she saw Petitioner's hand on Harrison's neck, it
13 was not consistent with her experience of being choked, but the pleading voice
14 was consistent. PA at 58. But Harrison did not have difficulties speaking as
15 Kenton had experienced when she herself was choked. PA 58:23-59:7.

16 Kevin Patterson testified that on June 12th or 13th, 2021, he was getting off
17 work at about 10:30 p.m. and he heard screaming and crying. PA at 61:1-40:18.
18 He walked outside and he saw Petitioner holding down a female on the concrete
19 by her throat. PA at 63:2-4. Patterson testified that Petitioner's right hand was
20 over the female's throat. PA at 64:8-10. The female was attempting to push

1 him off her but not necessarily attempting to get up from the concrete. PA at
2 66:18-65:1.

3 Patterson testified that during the time that Petitioner was holding the
4 female down, she was screaming at him, which was why he came out to see
5 what was happening in the first place. PA at 77:6-9. She was screaming at
6 Petitioner the entire time, and then when Patterson had verbal contact with
7 Petitioner, the female made contact with Patterson and asked him not to get
8 involved or call the police. PA at 77:10-19. Patterson testified that she was
9 crying and her voice was full of tears and her body language seemed scared. PA
10 at 77:22-24.

11 Echo Harrison testified that on June 12, 2021, she got really drunk, that
12 she does not usually drink because she's "not very good at it." 83:2-5, 85:11-15.
13 She testified that she was black-out drunk and was being an "ass." PA at 86:1-7.
14 Harrison testified that they had been "day drinking," had started in the morning,
15 and she did not stop until she fell asleep. PA at 86:11-13.

16 Defense counsel asked Harrison about her raspy voice, and she admitted
17 that she smoked a lot of cigarettes and used Zinc pouches which mess with her
18 throat. PA at 92:17-23. She agreed that her raspy voice was normal. PA at
19 93:4-6. After waking up after June 12, 2021, Harrison did not experience any
20 bruising on her neck or difficulty with breathing or talking. PA at 93:7-11.

1 Sergeant David Legros testified that on June 12, 2021, he was patrolling
2 when he saw another deputy with a female and he stopped to assist in the
3 investigation. PA at 97:23-76:2. He testified that the female was uncooperative,
4 intoxicated and emotional. PA at 98:13-14. Legros asked the female if she was
5 okay and if she needed to be checked out and the female lifted her chin. PA at
6 99:15-19. When she lifted her chin, Legros did not see any pronounced injuries.
7 PA at 99:24-78:3.

8 Legros testified that in his training with domestic violence and
9 strangulation, some indicators of strangulation are petechial, losing bowel or
10 urinary control, or blacking out. PA at 100:10-13. He noticed while speaking
11 with the female that her voice was raspy, which is sometimes caused by getting
12 hit in the throat or being choked. PA at 100:16-18. He stated that he had been
13 hit in the throat previously and it makes you cough, it's uncomfortable, and it's
14 tough to vocalize. PA at 100:21-24. Legros testified that the female's name was
15 Echo Harrison. PA at 101:9-10. He asked Harrison if she had any injuries to
16 her throat because of her raspy voice, which is common when people are choked
17 or have injury to the throat. PA at 103:4-7. Harrison denied being assaulted or
18 having any injury to the throat. PA at 103:10-11.

19 Although Legros initially testified that there were several witnesses who
20 verified that Petitioner was strangling Harrison or had his hands on her neck, PA

1 at 125:23-24, he later admitted that he heard those statements from others and
2 not firsthand. PA at 134:2-11.

3 Legros admitted that he did not see redness of the throat, that Harrison did
4 not have petechial or hemorrhaging in either eye, and Harrison had not
5 defecated or urinated on herself. PA at 133:11-12, 134:17-135:4. Legros
6 admitted that he had no evidence that Harrison's airway was blocked in any
7 form. PA at 146:4-6. Legros admitted that he had no evidence that Harrison's
8 carotid arteries were blocked or inhibited blood flow in any way, shape or form.
9 PA at 145:24-146:3.

10 VI. LEGAL ARGUMENT

11
12 A. The District Court Erred in Finding there was Sufficient Evidence to
13 Bind Petitioner Over for Battery Constituting Domestic Violence,
14 Committed Through Strangulation, because The State Failed to Show
15 that Petitioner Strangled Harrison.

16 The district court erred in finding that the justice court properly bound
17 Petitioner over for Battery Constituting Domestic Violence, committed through
18 Strangulation.

19 Pursuant to NRS 171.206: "If from the evidence it appears to the
20 magistrate that there is probable cause to believe that an offense has been

1 committed and that the defendant has committed it, the magistrate shall
2 forthwith hold the defendant to answer in the district court; otherwise the
3 magistrate shall discharge the defendant." The Nevada Supreme Court has held
4 that a suspect may not be bound over for trial unless the State demonstrates
5 probable cause that the suspect committed the charged crime. *Sheriff v.*
6 *Richardson*, 103 Nev. 180, 734 P.2d 735 (1987). Probable cause to support a
7 criminal charge "may be based on slight, even 'marginal' evidence, . . . because it
8 does not involve a determination of the guilt or innocence of an accused." *Sheriff*
9 *v. Hodes*, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980) (citations omitted). "To
10 commit an accused for trial, the State is not required to negate all inferences
11 which might explain his conduct, but only to present enough evidence to support
12 a reasonable inference that the accused committed the offense." *Kinsey v.*
13 *Sheriff*, 87 Nev. 361, 363, 487 P.2d 340, 341 (1971).

14 The state failed to prove probable cause at the preliminary hearing in the
15 present case. Neither Kenton nor Patterson testified that Petitioner was
16 strangling or choking Harrison. Kenton testified that Petitioner had his hand
17 around Harrison's throat but that Harrison never stopped talking and that it was
18 not the same as when she had been strangled in her own past experience with an
19 abusive husband. Patterson testified that Patterson was holding Harrison down
20 by the neck. He also testified that Harrison screamed at Petitioner the entire

1 time, except when she turned and spoke to him. Legros testified that there were
2 no injuries or indicators of strangulation except for Harrison talking in a raspy
3 voice, which was the natural sound to her voice, and that she lifted her chin.

4 The State argued that Petitioner may not have impeded Harrison's
5 breathing, but quite possibly impeded blood by applying compression to the
6 carotid artery. The State failed to prove this as well. Compression to the carotid
7 artery results in unconsciousness in 10 to 15 seconds. *See e.g. Hill v. Williams*,
8 2021 U.S. Dist. LEXIS 135788, 2021 WL 3082363
9 <https://www.mussenhealth.us/carbon-monoxide/deaths-from-choke-or-carotid-holds.html#:~:text=If%20properly%20applied%2C%20the%20compression%20of%20the%20carotid,approximately%2010%20sec%2C%20without%20any%20serious%20side%20effects.> (Exhibit D).

13 The State failed to show that Harrison was unconscious for any amount of
14 time or that Harrison's breathing or blood flow was impeded by compression.
15 Thus, there was no probable cause proven that Petitioner strangled Harrison.

16 Further, the district court order contained inaccuracies or incomplete
17 testimony. The order stated that Kenton testified that, in comparison to her
18 previous experience of being choked, Harrison's voice was similar. PA at
19 189:18-21. However, Kenton testified that, in her previous experience, she did
20 not recall being able to speak, but when she was able to speak, her voice

1 sounded like pleading. Kenton further testified that Harrison did not have
2 difficulties speaking as Kenton had experienced herself.

3 The order further discussed Sgt. Legros's "extensive experience." PA at
4 195:15-17. However, Sgt. Legros could not estimate the number of domestic
5 violence with strangulation cases other than to say "more than one" and possibly
6 less than five. PA at 131:14-19. The justice court would not allow defense
7 counsel to question Legros further on the issue. PA at 131:18-132:22. As to
8 training on domestic violence, Legros said he was trained to look for physical
9 signs, behavior of the victim, prior history and witnesses. PA at 97:10-15.

10 Legros never mentions training on strangulation. To claim that Legros's
11 experience regarding domestic violence with strangulation was extensive was an
12 overstatement that was not demonstrated during the preliminary hearing.

13 B. It was Error for the District Court to Find There was Sufficient
14 Evidence to Bind Petitioner Over for Battery Constituting Domestic
15 Violence with Prior Felony Conviction because the State Failed to
16 Prove the Prior Felony Conviction.

17 For enhancement by prior convictions, the State is required to "show" the
18 facts concerning a prior offense at the preliminary examination. *Parsons v.*
19 *State*, 116 Nev. 928, 935, 10 P.3d 836, 840-41 (2000). Using hearsay statements
20 to "show" a prior conviction is insufficient.

1 In the present case, during the preliminary hearing the prosecutor sought
2 to introduce hearsay testimony by Legros of a prior conviction for felony
3 domestic violence to show the prior conviction. Defense counsel objected
4 because Legros's testimony was based on his viewing of Petitioner's priors on
5 NCIC which often has errors. Additionally, the State did not produce a copy of
6 the NCIC. PA at 82:2-102:16.

7 Because the State produced unreliable evidence of Petitioner's prior
8 conviction at the preliminary examination, probable cause was not established.
9 *See e.g. People v. Thoma*, 58 Cal. RPAr. 3d 855 (Cal. Ct. App. 2007) (officer's
10 testimony insufficient to determine bodily injury enhancement of prior
11 conviction at preliminary hearing).

12 /////

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

1 **VII. CONCLUSION**

2 Based upon the above argument, the Defense requests this Court Order
3 the district court to dismiss the criminal information against Petitioner as his due
4 process rights under the Fifth and Fourteenth Amendments will be violated if the
5 case proceeds to retrial.

6 DATED this 2nd day of December, 2021.
7 KARIN L. KREIZENBECK
Nevada State Public Defender

8 /s/ SALLY DESOTO
9 Appellate Deputy
10 Bar I.D No. 8790
511 East Robinson Street, Suite 1
11 Carson City, Nevada 89701
(775) 684-1080

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

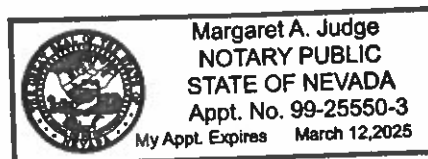
16

17

18

19

20



1 CERTIFICATE OF COMPLIANCE

2 I hereby certify that I have read this writ, and to the best of my
3 knowledge, information, and belief, is not frivolous or interposed for any
4 improper purpose. I further certify that this writ complies with all applicable
5 Nevada Rules of Appellate Procedure, in particular NRAP 21, which requires
6 every assertion in the brief regarding matters in the record to be supported by
7 appropriate references to the record on appeal. I further certify that this brief
8 complies with NRAP 32, in that it does not exceed 30 pages, is double spaced,
9 and is in 14 point font, New Times Roman, and formatting requirements under
10 NRAP 21. I understand that I may be subject to sanctions in the event that the
11 accompanying writ is not in conformity with the requirements of the Nevada
12 Rules of Appellate Procedure.

13 DATED this 2nd day of December, 2021.

14
15 /s/ SALLY DESOTO
16 Chief Appellate Deputy
17 Nevada Bar I.D No. 8790
18 511 E. Robinson St., Suite 1
19 Carson City, Nevada 89701
20 (775) 684-1080

1 CERTIFICATE OF SERVICE

2 I hereby certify that this document was filed electronically with the
3 Nevada Supreme Court on the 2nd day of December, 2021. Electronic Service
4 of the foregoing document shall be made in accordance with the Master Service
5 List as follows:

6 AARON FORD
7 NEVADA ATTORNEY GENERAL

8 SALLY DESOTO
9 CHIEF APPELLATE DEPUTY PUBLIC DEFENDER

10 JASON D. WOODBURY
11 DISTRICT ATTORNEY

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

14 FIRST JUDICIAL DISTRICT COURT
15 885 E MUSSER ST.
16 CARSON CITY, NV 89701

17 THOMAS CARRILLO
18 1400 N. CARSON STREET, 3105
19 CARSON CITY, NV 89706

20 DATED this 2nd day of December, 2021.

 SIGNED: /s/ Dawn Wholey

 Employee of Nevada State Public Defender