IN THE SUPREME COURT OF THE STATE OF NEVADA

ISIAH TAYLOR,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 83709

RESPONDENT'S ANSWERING BRIEF

Appeal From Judgment of Conviction
Eighth Judicial District Court, Clark County

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ROUTING STATEMENT

This appeal is appropriately assigned to the Court of Appeals pursuant to NRAP 17(b)(1) because it is an appeal from a Judgment of Conviction based on a plea of guilt.

STATEMENT OF THE ISSUES

1. Whether the district court erred by denying Appellant's Motion to Withdraw his Guilty Plea.
2. Whether the district court erred in not holding an evidentiary hearing.

STATEMENT OF THE CASE

On May 5, 2020, the State filed an Indictment charging ISIAH TAYLOR ("Appellant") with SEXUAL ASSAULT (Category A Felony – NRS 200.364,

200.366 – NOC 50095) and one count of ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 193.330 – NOC 50119).

On December 15, 2020, the Appellant filed a motion to dismiss his attorney and appoint an alternate counsel. At the hearing for that motion, the district court asked Appellant if he was frustrated with his representation:

> THE COURT: I know contact is incredibly difficult right now because of the pandemic and the limitations on contact, so I'm sure that's adding to some of your frustrations; is that fair to say?
>
> THE DEFENDANT: Yes, ma'am.
>
> THE COURT: All right. Have you had any recent contact with Mr. Savage?
>
> THE DEFENDANT: Yes. We talked, and I feel like me and him can go forward.
>
> THE COURT: Okay. All right.
>
> THE DEFENDANT: Once he talked to me, I feel like we can go forward.
>
> THE COURT: All right. Good. I'm glad to hear that. He's a very experienced attorney, and, again, your feelings and frustration are justified, that's currently not lost on me. What I'm going to do is I'm going to deny this motion without prejudice so you can -- you know, if things fall apart in the future you can refile it, I certainly hope that isn't the case and you can continue to move forward on your case. Okay?
>
> THE DEFENDANT: Yes, ma'am.
>
> THE COURT: Do you have any questions for me?
>
> THE DEFENDANT: No, ma'am. Thank you.

II AA 59.

The district court denied Appellant's motion without prejudice. *Id.* The Court set Appellant's trial for March 29, 2021.

On May 26, 2021, the district court held a *Franks* hearing to introduce evidence of prior bad acts for propensity purposes in a sexual assault case. The court granted the State's Motion to Admit Prior Bad Acts. The parties discussed an offer of four to twenty years in the Nevada Department of Corrections. II AA 49.

On June 4, 2021, Appellant entered a guilty plea. Appellant pleaded guilty to two counts ATTEMPT SEXUAL ASSAULT (Category B Felony – NRS 200.364, 200.366, 193.330 – NOC 50119). The parties stipulated to four to twenty years in the Nevada Department of Corrections. II AA 20-25. Upon the entry of the plea, the district court, conducted an extensive canvass of the Appellant. II AA 20-25. Importantly and pertinent to this appeal, the district court asked the Appellant:

> The COURT: Are you currently under the influence of any drug, medication, or alcoholic beverage?
>
> The APPELLANT: No

II AA 11.

On August 23, 2021, Appellant, through new counsel, Mr. Matsuda, filed a Motion to withdraw his Guilty Plea. Judge Yeager heard arguments on August 30 and denied the motion. Judge Yeager cited the thorough the canvas conducted by Judge Silva and found that the Appellant did not meet the *Stevenson* factors. II AA 63-64.

On September 22, 2021, Appellant was sentenced to pay the $25.00 Administrative Assessment fee, a $150.00 DNA Analysis fee, $3.00 DNA Collection fee, and $2446.05 in extradition costs. For Count 1, Appellant was sentenced to serve a minimum of forty-eight (48) months and a maximum of two hundred forty (240) months in the Nevada Department of Corrections ("NDOC"). II AA 82. For Count 2, the Court sentenced Appellant to a minimum of forty-eight (48) months and a maximum of two hundred forty (240) months in NDOC to run concurrent with Count 1. II AA 82. The Court further ordered a special sentence of lifetime supervision and for the Appellant to register as a sex offender within 48 hours after sentencing in accordance with NRS 179D.460. II AA 81-82. The Judgment of Conviction was filed on October 12, 2021. II AA 83-84.

STATEMENT OF THE FACTS

On October 16, 2015, F.B., the victim, heard someone knocking on the front door of her apartment and realized it was the Appellant. II AA 47. Appellant was F.B.'s cousin's ex-boyfriend and he had just been released from Clark County Detention Center after serving eight months on a Misdemeanor Battery Constituting Domestic Violence. *Id.* He came to pick up some belongings he believed he left at the apartment. *Id.* F.B. informed Appellant that his things were not there and refused to let him into the apartment. *Id.*

At approximately 10:30 pm that night, F.B. heard noises coming from the window next to the front door. *Id.* F.B. said her window had been left unlocked by her another cousin who stayed at the apartment the previous night. *Id.* Appellant ran into F.B. bedroom, F.B. tried to call 911 but Appellant knocked the phone out of her hand. *Id.* Appellant sexually assaulted F.B. that night. *Id.* After the assault, Appellant went to bathroom, washed his face, used a towel to dry off, and left. *Id.*

After Appellant left the apartment, F.B. immediately called police. II. AA 48. She was transported to University Medical Center to a have a full sexual assault examination. *Id.* Investigators responded to the scene and took photos. *Id.* The bedding was impounded, as was the towel from F.B.'s bathroom. *Id.* Adult hand and fingerprints were found on the window that F.B. said Defendant came through. *Id.* Detectives attempt to contact Appellant but were unsuccessful. *Id.* The case was closed pending forensics and fingerprint analysis. *Id.*

On May 25, 2017, a Latent Print Report was received from LVMPD Forensic Laboratory that showed the several palm and fingerprints lifted from the exterior sliding window were identified as a match belonging to Appellant. *Id.* In January 2018, the results of sexual assault kit reported the cervical swabs and vaginal swabs indicated the presence of male DNA. *Id.* But due to the presence of high levels of total human DNA compared to male DNA, the samples were not processed for STR analysis. *Id.* The rectal swabs were inconclusive. *Id.* After the receipt of all the

forensic analysis, the case was reopened and assigned to a sexual assault cold case detective. *Id.* The detective requested that the towel taken from F. B's apartment to be analyzed. *Id.*

Meanwhile, Appellant was in Ohio where he was in custody on unrelated Rape and Kidnapping charges. *Id.* With the help of the police and courts in Ohio, a search warrant for Defendant's buccal was procured and served on Defendant. *Id.* After being read his Miranda rights, Appellant was questioned about the events related to the instant case. *Id.* He denied having consensual sex with F.B. or ever forcing F.B. to have sexual intercourse with him. *Id.* He admitted to stopping by the apartment with his ex-girlfriend at certain points during their relationship, but he never stayed long. *Id.*

After receiving the reference standard, the LVMPD Forensic Laboratory concluded that there was one male contributor in both the epithelial and sperm fractions found on the towel taken from F.B.'s bathroom. *Id.* The report concluded that the probability of randomly selecting an unrelated individual from the general population have a DNA profile that is consistent with the partial, deduced DNA profile obtained from the sperm fraction taken from the towel is approximately 1 in 318 septillion (318×10^{24}). II AA 49.

The defendant was arrested and transported to the Clark County Detention Center, where he was booked accordingly.

SUMMARY OF THE ARGUMENT

The district court correctly denied Appellant's Motion to Withdraw his Guilty Plea and this Court should affirm that decision. The district court considered the totality of the circumstances and determined that Appellant failed to show a fair and just reason requiring the district court to allow him to withdraw his plea.

Appellant's plea was freely and voluntarily entered. Both the signed Guilty Plea Agreement and the oral canvass of Appellant are replete with evidence that Appellant understood the nature and consequences of pleading guilty, and did so freely, knowingly, and voluntarily when faced with the options of going to trial or entering a plea. Appellant had more than sufficient time to consider the State's offer before accepting it. Appellant had time to discuss the State's offer with his attorney, ask both his attorney and the court questions about anything he did not understand, and fully weigh his options.

Appellant's bare assertion that he was under the influence of medication does not entitle him to an evidentiary hearing. Appellant does not point to a single fact on the record to indicate that he was under the influence of some medication while he entered his Guilty Plea. The record indicates the opposite, that the Appellant was aware of his actions and the stipulations within the Guilty Plea. Simply stating something with no proof, does not entitle the Appellant to an evidentiary hearing.

As such, the district court properly considered the totality of the circumstances and found that Appellant failed to demonstrate any fair and just reason to withdraw his guilty plea. This Court should therefore affirm the lower court's decision.

ARGUMENT

I. THE DISTRICT COURT PROPERLY CONSIDERED THE TOTALITY OF THE CIRCUMSTANCES IN DENYING APPELLANT'S MOTION TO WITHDRAW HIS PLEA

Appellant alleges that he was on medication when he entered his plea, he did not know what was happening, and he just "went with what was said." Appellant's Opening Brief ("AOB") 4. Appellant's claims are belied by the record.

A. Standard of Review

In reviewing a district court's ruling on a pre-sentence motion to withdraw a plea, "'this Court will presume that the lower court correctly assessed the validity of the plea and will not reverse absent a clear showing of an abuse of discretion.'" *a* (quoting *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986)); *Mitchell v. State*, 109 Nev. 137, 138, 848 P.2d 1060, 1060 (1993). "An abuse of discretion occurs if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason." *Jackson v. State*, 117 Nev. 116, 120, 17 P.3d 998, 1000 (2001). To show that the district court abused its discretion, the defendant has the burden of proving that the district court failed to consider the totality of the

circumstances when determining whether the defendant knowingly and intelligently entered the plea. *Stevenson v. State*, 131 Nev. 598, 603, 354 P.3d 1277, 1281 (2015); *Crawford v. State*, 117 Nev. 718, 721-22, 30 P.3d 1123, 1125-26 (2001). This Court must give deference to the factual findings made by the district court in the course of a motion to withdraw a guilty plea as long as they are supported by the record. *Little v. Warden*, 117 Nev. 845, 854, 34 Pd. 3d 540, 546 (2001).

When a defendant moves to withdraw a guilty plea before sentencing, the district court must examine the totality of the circumstances to determine whether the plea was valid, and consider whether the defendant has any fair and just reason to withdraw their plea. NRS 176.165; *State v. Second Judicial Dist. Court (Bernardelli)*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969); *Bryant*, 102 Nev. at 271, 721 P.2d at 367; *Stevenson*, 131 Nev. at 599-600, 354 P.3d at 1278. A plea of guilty is presumptively valid, particularly where it is entered into on the advice of counsel. *Jezierski v. State*, 107 Nev. 395, 397, 812 P.2d 355, 356 (1991). The defendant has the burden of proving that the plea was not entered knowingly or voluntarily. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); *Wynn v. State*, 96 Nev. 673, 615 P.2d 946 (1980); *Housewright v. Powell*, 101 Nev. 147, 710 P.2d 73 (1985).

In determining whether a guilty plea is knowingly and voluntarily entered, the court will review the totality of the circumstances surrounding the defendant's plea. *Bryant*, 102 Nev. at 271, 721 P.2d at 367. “A district court may not simply review

the plea canvass in a vacuum." *Mitchell*, 109 Nev. at141, 848 P.2d at 1062. While a more lenient standard applies pre-sentence motions to withdraw a guilty plea, *Molina v. State*, 120 Nev. 185, 191, 87 P.3d 533, 537 (2004); a defendant has no right to withdraw his plea merely because the State failed to establish actual prejudice. *See Hubbard v. State*, 110 Nev. 671, 675-76, 877 P.2d 519, 521 (1994).

The proper standard set forth in *Bryant* requires the trial court to personally address a defendant at the time he enters his plea to determine whether he understands the nature of the charges to which he is pleading. *Id*. at 271; *State v. Freese*, 116 Nev. 1097, 1105, 13 P.3d 442, 448 (2000). The guidelines for voluntariness of guilty pleas "do not require the articulation of talismanic phrases." *Heffley v. Warden*, 89 Nev. 573, 575, 516 P.2d 1403, 1404 (1973). It requires only "that the record affirmatively disclose that a defendant who pleaded guilty entered his plea understandingly and voluntarily." *Brady v. United States*, 397 U.S. 742, 747-748, 90 S.Ct. 1463, 1470 (1970); *United States v. Sherman*, 474 F.2d 303 (9th Cir. 1973).

Specifically, the record must affirmatively show the following: 1) the defendant knowingly waived his privilege against self-incrimination, the right to trial by jury, and the right to confront his accusers; 2) the plea was voluntary, was not coerced, and was not the result of a promise of leniency; 3) the defendant understood the consequences of his plea and the range of punishment; and 4) the

defendant understood the nature of the charge, i.e., the elements of the crime. *Higby v. Sheriff*, 86 Nev. 774, 781, 476 P.2d 950, 963 (1970). Importantly, "the record must affirmatively disclose that a defendant is entering his plea understandingly and voluntarily." *Brady v. United States*, 397 U.S. 742, 747-748, 90 S.Ct. 1463, 1470 (1970). Consequently, in applying the "totality of circumstances" test, the most significant factors for review include the plea canvass and the written guilty plea agreement. *See Hudson v. Warden*, 117 Nev. 387, 399, 22 P.3d 1154, 1162 (2001).

When the Nevada Supreme Court decided *Stevenson v. State*, it explained that district courts must consider the totality of the circumstances to determine whether permitting withdrawal of a guilty plea before sentencing would be fair and just. 131 Nev. 598, 354 P.3d 1277(2015). In doing so, the Court explained that *Crawford v. State's*, 117 Nev. 718, 30 P.3d 1123 (2001), holding is more narrow than contemplated by NRS 176.165 and disavowed an analysis focused solely upon whether the plea was knowing, voluntary, and intelligent in determining the validity of the plea. However, the Court in *Stevenson* also held that the appellant had failed to present a fair and just reason favoring withdrawal of his plea, and therefore affirmed his judgment of conviction. 131 Nev at 603, 354 P.3d at 1281.

In *Stevenson*, the Nevada Supreme Court found that none of the reasons presented warranted the withdrawal of Stevenson's guilty plea, including allegations that the members of his defense team lied about the existence of the video to induce

him to plead guilty. *Id*. The Court found similarly unconvincing Stevenson's contention that he was coerced into pleading guilty based on the compounded pressures of the district court's evidentiary ruling, standby counsel's pressure to negotiate a plea, and time constraints. *Id*. As the Court noted, undue coercion occurs when a defendant is induced by promises or threats which deprive the plea of the nature of a voluntary act. *Id*. (*quoting Doe v. Woodford*, 508 F. 3d 563, 570 (9th Cir. 2007)). Time constraints and pressure exist in every criminal case, are hallmarks of pretrial discussions, and do not individually or in the aggregate make a plea involuntary. Id. at 605, 354 P.3d at 1281 (*quoting Miles v. Dorsey*, 61 F.3d 1459, 1470 (10th Cir. 1995)). Instead, the key inquiry for determining the validity of a plea is "'whether the plea itself was a voluntary and intelligent choice among the alternative courses of action open to the defendant.'" *Id*. at 604-05, 354 P.3d at 1281 (*quoting Doe*, 508 F. 3d at 570).

The Nevada Supreme Court also rejected Stevenson's implied contention that withdrawal was warranted because he made an impulsive decision to plead guilty without knowing definitively whether the video could be viewed. *Id*. at 604-05, 354 P.3d at 1281. The Court made clear that one of the goals of the fair and just analysis is to allow a hastily entered plea made with unsure heart and confused mind to be undone, not to allow a defendant to make a tactical decision to enter a plea, wait several weeks, and then obtain a withdrawal if he believes that he made a bad choice

in pleading guilty. *Id.* at 604-05, 354 P.3d at 1281-82 (quoting *United States v. Alexander*, 948 F.2d 1002, 1004 (6th Cir. 1991)). After considering the totality of the circumstances, the Court found no difficulty in concluding that Stevenson failed to present a sufficient reason to permit withdrawal of his plea. *Id.* at 605, 354 P.3d at 1282. Permitting him to withdraw his plea under the circumstances would allow the solemn entry of a guilty plea to become a mere gesture, a temporary and meaningless formality reversible at the defendant's whim, which the Court cannot allow. *Id*. (quoting *United States v. Barker*, 514 F. 2d 208, 222 (D.C. Cir. 1975)).

B. Appellant knowingly and voluntarily pled guilty.

Appellant alleges that he took medication the night before his plea and felt, drowsy, confused, and generally didn't understand what was going on. II AA 45. Appellant also alleges that he believed in the Guilty Plea he was stipulating to probation. *Id.* Appellant's allegations are belied by the record.

Appellant knowingly and voluntarily signed a Guilty Plea Agreement on February 10, 2020, and in doing so he affirmed that he understood the nature and consequences of pleading guilty. The section of the Guilty Plea Agreement entitled "Voluntariness of Plea" delineates the following statements that Appellant acknowledged with his signature as true:

> I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

> I understand that the State would have to prove each element of the charge(s) against me at trial.
> I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.
> All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.
> *I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest*
> *I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.*
> I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.
> My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

II AA 27-28 (emphasis added).

Appellant attested that he was freely and voluntarily pleading guilty and that he was not being coerced because of promises of leniency, except those contained in the Guilty Plea Agreement. The Guilty Plea Agreement explicitly stated that he would not be eligible for probation:

> I understand that I am not eligible for probation for the offense to which I am pleading.

II AA 24.

After the signed Guilty Plea Agreement was filed in open court, the district court orally canvassed Appellant regarding the terms and consequences of the plea.

II AA 8-19. Again, Appellant affirmed that his plea of guilty was free and voluntary and that he was not relying on anything other than the terms of the plea agreement in making his decision:

> THE COURT: All right. And are you making this plea both freely and voluntarily?
>
> THE DEFENDANT: Yes.
>
> THE COURT: Has anyone forced or threatened you, or has anyone close to you forced or threatened you to get you to take this plea?
>
> THE DEFENDANT: No.
>
> THE COURT: Has anyone made any promises to you outside the terms of this written Guilty Plea Agreement in order for you to take this plea?
>
> THE DEFENDANT: No.
>
> THE COURT: All right. I have this Guilty Plea Agreement in front of me and it appears on page 6 of this agreement that you signed it; is that correct?
>
> THE DEFENDANT: Yes.
>
> THE COURT: Before you signed it, did you read it? THE DEFENDANT: Yes.

II AA 12.

After clarifying that the plea was being entered freely and voluntarily, the district court reiterated to Appellant that he was not eligible for probation:

> THE COURT: Okay. All right
> Do you understand that pursuant to your pleas of guilty, pursuant to Alford, that you are not eligible for probation due to the nature of the charge or charges?

THE DEFENDANT: Yes.

II AA 14.

The district court asked the Appellant whether he understood the proceedings and if he was under the influence of any drugs or medication when taking the deal:

> THE COURT: Are you currently under the influence of any drug, medication, or alcoholic beverage?
>
> THE DEFENDANT: No.

II AA 11.

The district court gave the Appellant an opportunity to have any terms or consequences of pleading guilty that were unclear explained to him:

> THE COURT: All right. So, Mr. Taylor, do you have any questions for me or for your attorneys before we finish here today?
>
> THE DEFENDANT: No.

II AA 18.

The district court went further and inquired whether Appellant was satisfied with his representation and whether Mr. Savage had the advice Mr. Savage had provided:

> THE COURT: Have you discussed this case with your attorneys?
>
> THE DEFENDANT: Yes.
>
> THE COURT: Are you fully satisfied with your attorneys' representation of you and the advice given to you by your attorneys?
>
> THE DEFENDANT: Yes.

II AA 11.

Appellant understood the terms of the plea agreement as they were explained to him by the district court, Mr. Savage, and the written plea agreement. Appellant affirmed both orally and in writing that he was entering his guilty plea freely and voluntarily.

Accordingly, any claim that Appellant was unsure, confused, coerced, or misled, is belied by the record.

II. APPELLANT WAS NOT ENTITELD TO AN EVIDENTIARY HEARING

Appellant's claim that he did not understand the plea because he was on medication is belied by the record. Additionally, he gives no support as to what medication he was even taking, thus his Motion to Withdraw contained only bare assertions without an iota of proof or evidence to support his claim. Appellant alleges that the State's offer was "rushed" into taking the Guilty Plea. II AA 39. And since the Appellant claimed to be on medication the morning of the canvas, the district court erred by not holding an evidentiary hearing. AOB 6. That argument misconstrues the record entirely. A defendant who makes specific factual allegations that, if true and if not belied by the record, would entitle him to relief is entitled to an evidentiary hearing on his motion to withdraw his guilty plea. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

Appellant had sufficient time to review the Plea and attested to that during the district courts canvas:

> THE COURT: And do you feel that you had sufficient time to review the agreement and to talk to your attorneys about it?
>
> THE DEFENDANT: Did I have time?
>
> THE COURT: Did you have sufficient time, enough time? THE DEFENDANT: Yeah.

II AA 13.

The record shows that the district court asked the Appellant whether he was under the influence of any medication when entering the Guilty Plea:

> THE COURT: Are you currently under the influence of any drug, medication, or alcoholic beverage?
>
> THE DEFENDANT: No.

II AA 11.

The record shows that there are no factual grounds to support Appellant's bare allegation. This simple assertion after the fact, that is not supported by the record does not meet the standard set out in *Hargrove*. Appellant had ample opportunity throughout the canvass to let his concerns be known to the district court, yet he decided not to do so.

Appellant affirmed during his canvass that he understood the charges that he was pleading guilty to, the sentencing range for those charges, and that he had the opportunity to read, discuss, and understand the Guilty Plea Agreement prior to

signing it and pleading guilty. Not only had Appellant discussed the State's offer with Mr. Savage, but the court also gave Appellant the opportunity to ask the court any questions about his plea. Nothing in the record indicates that the Appellant was under the influence of medication or did not understand the nature of his plea, aside from his bare allegations after the fact.

Thus, any argument that Appellant did not have adequate time to review the State's offer prior to pleading guilty or was under the influence of some medication is belied by the record and without merit. As such, the lower court appropriately considered and weighed all circumstances in denying Appellant's Motion to Withdraw his Guilty Plea.

CONCLUSION

Wherefore, the State respectfully requests that Appellant's Judgment of Conviction be AFFIRMED.

Dated this 23rd day of March, 2022.

Respectfully submitted,

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BY */s/ Alexander Chen*
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CERTIFICATE OF COMPLIANCE

1. **I hereby certify** that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2013 in 14 point font of the Times New Roman style.
2. **I further certify** that this brief complies with the page and type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points, contains 4,216 words and does not exceed 30 pages.
3. **Finally, I hereby certify** that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 23rd day of March, 2022.

Respectfully submitted,

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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 23, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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AC//ed