

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Elizabeth A. Brown  
Clerk of Supreme Court

D. Ct. CR14-0644

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APPEAL FROM JUDGMENT OF  
THE HONORABLE BRUCE BRESLOW

SECOND JUDICIAL DISTRICT COURT

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APPELLANT'S OPENING BRIEF

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## **NRAP 26.1 DISCLOSURE**

**THE UNDERSIGNED COUNSEL OF RECORD CERTIFIES THAT THE FOLLOWING ARE PERSONS AND ENTITIES AS DESCRIBED IN NEV. RULE. APP. P.26.1(A), AND MUST BE DISCLOSED. THESE REPRESENTATIONS ARE MADE IN ORDER THAT THE JUDGES OF THIS COURT MAY EVALUATE POSSIBLE DISQUALIFICATION OR RECUSAL.**

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- 6. REBECCA DRUCKMAN, RETIRED**
- 7. JOHN REESE PETTY, RETIRED.**
- 8. SEAN NEAHUSAN, SOLE PRACTITIONER AT THE TIME OF THIS CASE.**

**BY:**   
**KARLA K. BUTKO, ATTORNEY**

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## **I. INTRODUCTION**

This appeal is filed by RODERICK STEPHEN SKINNER (“Mr. Skinner”), from the denial of a petition for habeas corpus which related to a 2014 conviction for Promotion of a Sexual Performance of a Minor under the age of Fourteen in violation of NRS 200.720 and NRS 200.750. This appeal is also an appeal from the denial of a motion to correct sentence filed by Mr. Skinner at the district court. The district court dismissed the petition for writ of habeas corpus on procedural grounds that it was untimely. The court did not hold an evidentiary hearing or rule upon the merits of the petition. The court denied the motion to correct illegal sentence by way of granting the State’s motion to dismiss the motion. Each of trial counsel’s failures fell below an objective standard of care, constituting ineffective assistance of counsel under *Strickland*. Mr. Skinner demonstrated a miscarriage of justice in that his continued detention was based upon errors in the presentence report that continue to haunt his ability to gain parole and that counsel failed to present mitigation evidence of mental health records from the Washoe

County Jail. This was in violation of the right to effective assistance of counsel under the 6th & 14th Amendments to the United States Constitution. Mr. Skinner

## **II. JURISDICTION OF THE COURT**

This Court has jurisdiction over the direct appeal from the denial of post-conviction relief under NRS 34.575(1). The Notice of Entry of Order was filed by the Clerk of Court on June 12, 2023. 9AA 1661-1670. The Order granting the State's Motion to Dismiss the Second Petition and Dismissing the Third Petition was signed and filed by the court on June 9, 2023. Additionally, the court issued its Order Denying Motion for Correction of Sentence on June 9, 2023. A timely notice of appeal from the June 9, 2023 judgments/orders was filed by Mr. Skinner on June 23, 2023 and again on June 26, 2023. 9AA 1678-1680; 1689-1691.

## **III. ROUTING STATEMENT**

This is an appeal from allegations raised in a successive petition for writ of habeas corpus (post-conviction) on a Category A felony conviction after entry of a guilty plea. The appeal also involves the district court's denial of a motion to



correct sentence. This case is not presumptively assigned to the Nevada Court of Appeals. NRAP 17(b)(3). The sentence imposed by the district court is very lengthy. The issues raised on postconviction are serious in nature. The appeal should be reviewed by the Nevada Supreme Court.

#### **IV. PROCEDURAL HISTORY OF THE CASE**

Mr. Skinner was arrested and charged with violation of NRS 200.720 and NRS 200.750, a Category A felony violation of Promotion of a Sexual Performance of a Minor under Age Fourteen. He entered a plea of guilty. 2AA 37-47. The case proceeded to lengthy sentencing hearings. 2AA 85-134 and 3AA 225-334. Mr. Skinner sought probation. The district court disagreed mainly because Mr. Skinner is a citizen of Australia and would be deported upon conviction. The district court was concerned that the terms of Nevada law would not be enforced in Australia and denied probation. Mr. Skinner was sentenced to the only other sentence available at law, life in prison with parole eligibility after service of five

years in prison. The judgment of conviction entered on September 11, 2014. 2AA 75-76.

Mr. Skinner appealed his conviction in Docket 66666, arguing that the district court abused its discretion when it refused to grant him probation based upon the extensive mitigation presented to the court. On July 14, 2015, the Nevada Court of Appeals affirmed the district court's sentence. The Remittitur issued on August 18, 2015. 3AA 358-369.

Mr. Skinner filed a first and timely petition for writ of habeas corpus on July 13, 2016, verified the petition on October 7, 2016. Counsel was appointed and the petition was supplemented. The matter proceeded to an evidentiary hearing on September 26, 2019. The district court denied the petition for writ of habeas corpus on October 9, 2019. 5AA 844-874. The denial was appealed in Docket 79981. The Nevada Court of Appeals affirmed the district court's order denying postconviction relief on February 11, 2021.

Mr. Skinner filed his second petition for writ of habeas corpus (postconviction) on March 29, 2022 which was stricken but refiled properly on April 4, 2022. 7AA 1225-1237 and 1243-1255. The State moved to dismiss the petition as untimely and procedurally barred. 7AA 1270-1277. Mr. Skinner filed an opposition to the State's motion to dismiss. 7AA 1288-1311. On June 9, 2023, the court granted the State's motion to dismiss the second petition for writ of habeas corpus (postconviction). 9AA 1646-1653. The notice of entry of order entered on June 12, 2023. 9AA 1661-1670.

Mr. Skinner filed a motion to correct sentence on November 1, 2022. 8AA 1509-1517. The State filed an opposition to the motion to correct sentence on November 14, 2022. 8AA 1549-1552. On June 9, 2023, the district court entered its order denying the motion for correction of sentence. 9AA 1654-1657.

Mr. Skinner filed a third petition for writ of habeas corpus (postconviction) on November 15, 2022. 8AA 1556-1573. No response was filed by the State. The court, after review, dismissed the third petition for writ of habeas corpus

(postconviction) as untimely, successive and procedurally barred. The court did not find that Mr. Skinner had demonstrated good cause for the filing of the third petition. This order was signed and filed on June 9, 2023. The notice of entry of order occurred on June 12, 2023. 9AA 1661-1670.

Mr. Skinner filed a timely notice of appeal from the June 9, 2023 orders of the court on June 23 and June 26, 2023. 9AA 1678-1680; 9AA 1689-1691.

#### **V. STATEMENT OF THE ISSUES**

1. Whether the district court erred in denying Skinner's post-conviction habeas petition as procedurally barred where Skinner demonstrates good cause and prejudice to overcome procedural defaults?
2. Whether Skinner's demonstration of cause and prejudice establishes that he is entitled to review and relief on the merits of both claims in his petition?
3. Whether the district court erred when it denied Skinner's motion to correct sentence?

## **VI. STATEMENT OF FACTS**

Factually, the case arose when Mr. Skinner was arrested and charged with violating of NRS 200.720 and NRS 200.750, a Category A felony violation of Promotion of a Sexual Performance of a Minor under the Age of Fourteen.

Mr. Skinner was an Australian citizen, not an American citizen. Mr. Skinner was abused by his mother during his youth. Mr. Skinner was a police officer for five years when tragedy struck and he was injured in an on duty motorcycle accident. He lost both legs and is wheel chair bound. At the time of the accident, he was in the military but was medically discharged.

Mr. Skinner came to America. He was living in an apartment in Sparks. Police were called to investigate a neighborhood child who stated that Mr. Skinner's actions made her uncomfortable. Police obtained a search warrant and confiscated computers, pornographic DVDs, pornographic magazines and external hard drives. A search of the computer was completed by Dennis Carry, who was later discredited due to his actions of bigamy and burglary into a judge's

chambers. The search was apparently not very thorough, nor was the evidence preserved for exculpatory evidence. The presentence report states that the defendant downloaded and viewed child pornography, a fact that Mr. Skinner adamantly denies. (PSI report of July 10, 2014).

Mr. Skinner ultimately pled guilty. During the plea canvas, Mr. Skinner's attorney advised the court that they stipulated to the factual basis for the charge. Mr. Skinner was evaluated by Earl S. Nielsen, Ph.D. and was deemed "not a high risk to re-offend based upon the currently accepted standards of assessment." PSI page 3; evaluation by Dr. Nielsen.

The presentence report was completed during the time period that the Department of Parole and Probation made recommendations for sentence. The Department recommended a prison term and declined probation. PSI page 6.

The sentencing hearing included three phases. The first date, an attorney and friend of Mr. Skinner from Australia testified. Robin Wellner testified that Mr. Skinner was an honest man, caring for his children and the people around him.

According to Ms. Wellner, Mr. Skinner had family support, many friends, a decent pension, Medicare and free medical care in Australia. Ms. Wellner described that Mr. Skinner's daughter Courtney was ready for his return, moved to a one story residence handicap equipped within five minutes of the hospital. 2AA 99, 102, 103. There was discussion about how a grant of probation would play out with the deportation of Mr. Skinner.

The next date of sentencing, August 26, 2014, Mr. Skinner's daughter testified. She confirmed the testimony of Ms. Wellner and let the court know that she stood beside her Dad and would help in any way possible. Supplemental Appendix, "SA" Pages 1-25.

There was a lengthy discussion as to Mr. Skinner's health issues in that he is a double amputee, has Crohn's disease and suffered from depression. SA 11, 13. The court expressed concerns over how it could ensure compliance with probation terms and how the court could get Mr. Skinner back into America if he did not abide by the terms of probation. SA 26-35.

The last sentencing date, two employees of the Department of Parole and Probation testified. The first was Kate Benzler, who testified about the "matrix" used in scoring defendants for prison or probation. Mr. Skinner was deemed unemployable because he was handicapped and had not worked in 25 years. He was deemed reluctant when he denied the offense. A discussion occurred about whether Australia would follow the conditions of probation and monitor Mr. Skinner. Laura Pappas testified for the Department that there was no such thing as trying to compact a defendant to a foreign country as there was no jurisdiction to maintain control. A discussion occurred between the definitions of registered versus under supervision. 3AA 226, 234, 235, 248, 282, 284, 310

Ultimately, Mr. Skinner spoke with the court. Mr. Skinner apologized, accepted responsibility for what was on his computer, and admitted he had done some bad thing and allowed bad things to happen. He said he was really, really sorry about it. 3AA 315.



The district court ruled that it did not believe that probation was appropriate as it left no punishment for the actions of Mr. Skinner. The district court sent Mr. Skinner to prison for life with the possibility of parole after serving five years in prison. 3AA 331-333.

Mr. Skinner litigated a lengthy petition for writ of habeas corpus (postconviction) in 2019 which related to the fact that the computer had been destroyed by the police department, with the consent of the District Attorney's Office, and that the defense was unable to confirm exculpatory evidence on the computer because of its destruction. The district court denied the postconviction relief sought by Mr. Skinner. 5AA 844-874. The Nevada Court of Appeals affirmed that decision in Docket 79981.

In the Second Petition for Writ of Habeas Corpus (postconviction), Mr. Skinner alleged: 1) Trial counsel was ineffective at the sentencing stage of the case when counsel failed to present the court with mental health treatment for clinical depression to mitigate sentence and 2) Appellate counsel was ineffective

when appellate counsel failed to raise plain error for the State's violation of the plea bargain. 7AA 1249- 1251. Mr. Skinner argued the State's inconsistent positions taken with application of NRS 34.810 to support the good cause for filing a successive petition. 7AA 1288-1295.

In the Third Petition for Writ of Habeas Corpus (postconviction), Mr. Skinner alleged: 1) Counsel was ineffective for allowing the court to sentence him without addressing and ruling upon the objections raised to the PSI report; 2) Continued use of the PSI, which was subject to objections not determined by the court, by prison and parole officials violates Mr. Skinner's equal protection and due process rights and 3) His continued incarceration violates the 8<sup>th</sup> Amendment protection against cruel and unusual punishment. 8AA 1565-1569.

Mr, Skinner's motion for correction of sentence alleged that his sentence was based upon a material mistake of fact that worked to his extreme detriment when the court failed to have the presentence report corrected. 8AA 1511-1514.

The State moved to dismiss the motion. The district court denied the motion to correct sentence by written order. 9AA 1654-1656.

This Court consolidated the appeals so all issues for the three matters shall be argued herein.

## **VII. LEGAL ARGUMENT**

**1. The district court erred in denying Skinner's post-conviction habeas petitions as procedurally barred where Skinner demonstrated good cause and prejudice to overcome procedural defaults.**

### **Standard of Review:**

A petition for writ of habeas corpus (post-conviction) is untimely filed one year after the entry of the judgment of conviction unless good cause is shown for the delay. NRS 34.726(1). NRS 34.810(2). Good cause for delay can be demonstrated by a showing that the delay was not the fault of the petitioner and that application of the time bar will result in undue prejudice to the petitioner. NRS 34.726(1).

A habeas petitioner may overcome these bars and secure review of the merits of defaulted claims by showing that the failure to consider the petition on its merits would amount to a fundamental miscarriage of justice.” *Berry v. State*, 131 Nev. adv. op. 96 (Dec. 24, 2015). See also *Schlup v. Delo*, 513 U.S. 298, 314-15 (1995); *Mitchell v. State*, 122 Nev. 1269, 1274, 149 P.3d 33, 36 (2006); *Pellegrini v. State*, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001). One way to overcome the above procedural bars is to make a colorable showing of actual innocence, that is, "the petitioner must show that it is more likely than not that no reasonable juror would have convicted him in the light of the new evidence." *Schlup*, 513 U.S. at 327.

A district court's denial of a request for an evidentiary hearing is reviewed for an abuse of discretion. See *Rubio v. State*, 124 Nev. 1032, 1047, 194 P.3d 1224, 1234 (2008).

To prove ineffective assistance of counsel, a petitioner must demonstrate that counsel's performance was deficient in that it fell below an objective standard

of reasonableness, and resulting prejudice such that there is a reasonable probability that, but for counsel's errors, the outcome of the proceedings would have been different. *Strickland v. Washington*, 466 U.S. 668, 687–88 (1984); *Warden v. Lyons*, 100 Nev. 430, 432–33, 683 P.2d 504, 505 (1984) (adopting the *Strickland* test in Nevada). Deference is given to the district court's factual findings regarding ineffective assistance of counsel but this Court reviews the district court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

**Argument:**

To overcome procedural default, a petitioner must establish “cause for the default and prejudice attributable thereto.” *Harris v. Reed*, 489 U.S. 255, 262(1989) (citations omitted). In general, “the existence of cause for procedural default must ordinarily turn on whether the prisoner can show that some objective factor external to the defense impeded . . . efforts to comply with the state procedural rule.” *Murray v. Carrier*, 477 U.S. 478, 488 (1986). This Court has

determined good cause exists when an impediment external to the defense prevented the petitioner from complying with state procedural rules. *Pellegrini v. State*, 117 Nev. 860, 886-87(2001); *Harris v. Warden*, 114 Nev. 956, 964 (1998).

An external impediment could be “that the factual or legal basis for a claim was not reasonably available to counsel, or that ‘some interference by officials’ made compliance impracticable.” *Id.* (quoting *Murray*, 477 U.S. at 488); *see also*, *Gonzalez v. State*, 118 Nev. 590, 595 (2002) (citing *Harris*, 114 Nev. at 959-60 n.4). To find good cause there must be a “substantial reason; one that affords a legal excuse.” *Hathaway v. State*, 119 Nev. 243, 251 (2003).

“Prejudice” as used in the procedural default context equates to a “harmful error” concept. *See Brecht v. Abrahamsom*, 507 U.S. 619 (1993); *Kotteakos v. United States*, 328 U.S. 750 (1946). In order to show prejudice, a petitioner must show that the error worked to his “actual and substantial disadvantage.” *United States v. Frady*, 456 U.S. 152, 170

(1982); *Williams v. Taylor*, 529 U.S. 362 (2000).

Here, Mr. Skinner alleged that the Second Judicial District Court's lack of uniform application of NRS 34.810 caused him to believe that he could not raise sentencing error or appellate counsel error in prior pleadings. Mr. Skinner discovered the case of *Gonzales v. State*, 137 Nev. 398, 492 P.3d 556 (2021) and filed his second petition. Mr. Skinner told the court that he relied upon *Gonzales* for the position that he was timely and he demonstrated good cause for not raising the two allegations in earlier pleadings because he believed he could not raise those issues under postconviction relief because of the position relied upon by the State and the courts of the Second Judicial District Court.

In support of that position, Mr. Skinner argued that once *Gonzales* was decided, he was cleared to raise ineffective assistance of counsel claims relating to sentencing error and appellate error. His Petition included an allegation that his sentencing proceeding should have included mental health records from the Washoe County Jail that would show that he was clinically depressed. 7AA 1249.

He argued that his attorney was ineffective for failing to object because he believed the plea bargain to include that the State would recommend probation and allow him to return to Australia. 7AA 1251. He also argued that appellate counsel should have raised the issues regarding the presentence report matrix and scoring on appeal.

This Court has held:

"A defendant has the right to object to factual or methodological errors in sentencing forms, so long as he or she objects before sentencing." *Blankenship v. State*, 132 Nev. 500, 508, 375 P.3d 407, 412 (2016).

The Nevada Supreme Court has emphasized that any objections made by a defendant to his PSI "must be resolved prior to sentencing." *Id.*; *Sasser v. State*, 130 Nev. 387, 390, 324P.3d 1221, 1223 (2014); *Stockmeier v. State, Bd. of Parole Comm'rs*, 127 Nev. 243, 250, 255 P.3d 209, 214 (2011).

There is no question that the district court abused its discretion by sentencing Mr. Skinner without due consideration to his objections to the PSI, and therefore, Mr. Skinner has made a claim for relief. His sentence must be vacated



and his case remanded for resentencing. Appellate counsel failed to follow through with issues preserved by trial counsel. Appellate counsel was ineffective under the 6<sup>th</sup> & 14<sup>th</sup> Amendments to the United States Constitution. Mr. Skinner demonstrated good cause and has suffered a miscarriage of justice.

Counsel concedes that *Gonzales v. State*, supra, is not new law but a clarification of existing law and its application for consistency in Nevada. Even stating that factor, Mr. Skinner had a right to rely upon the inconsistency in the law on the application of NRS 34.810 until such time as *Gonzales* clarified its application. He demonstrated good cause for his Second Petition to go forth.

In his opposition to the motion to dismiss, he cited the District Court to other cases in which the State took the legal position that NRS 34.810 precluded issues of postconviction sentencing error. 7AA 1300-1302, 1307, 1311.

As for the Third Petition for Writ of Habeas Corpus (postconviction), Mr. Skinner denial of due process and equal protection under the law because he had no means to correct a presentence report that was erroneous and negatively

impacting his ability to gain parole. Mr. Skinner's petition was really an attack on the terms and conditions of his sentence and should have been sent by the Second Judicial District Court to the First Judicial District Court, as Mr. Skinner is in custody at Northern Nevada Correctional Center in Carson City, Nevada. The dismissal was improper. NRS 34.724 provides a remedy for Mr. Skinner's allegations to proceed, but not in the Second Judicial District Court. Mr. Skinner argues that he is being imprisoned in violation of the Equal Protection Clause and the 8<sup>th</sup> Amendment and in violation of Due Process. His vehicle for that type of remedy is not a postconviction action in the Second Judicial District Court. NRS 34.738(1) required the filing to be in the First Judicial District Court. The Second Judicial District Court should have transferred the Third Petition for Writ of Habeas Corpus (postconviction) to the court in Carson City.

This Court should remand the Second Petition for Writ of Habeas Corpus (postconviction) to the Second Judicial District Court with instruction to hold an evidentiary issue on the good cause demonstrated by Mr. Skinner's reliance upon

the State's continued position that NRS 34.810 precluded access to court for postconviction matters concerning sentencing matters.

This Court should remand the Third Petition for Writ of Habeas Corpus (postconviction) to the First Judicial District Court for further proceedings.

**2. Mr. Skinner's demonstration of cause and prejudice establishes that he is entitled to review and relief on the merits of both claims in his second petition.**

**Standard of review:**

Mr. Skinner's procedural default is likewise cured because he is relying on new law. While this law under *Gonzales v. State*, supra, is not new law under the sense of a *Teague* analysis, it was clearly law that changed the approach taken and issues raised on postconviction cases in Nevada.

Mr. Skinner has proven specific facts that demonstrate that the grounds in his untimely second petition should be heard on the merits. Specifically, he is

entitled to review, and relief, on the merits from this Court on both claims presented below.

**3. The district court erred when it denied Skinner's motion to correct sentence.**

**Standard of Review:**

If motion to correct illegal sentence or to modify sentence raises issues outside of narrow scope of inherent authority recognized by supreme court, motion should be summarily denied. NRS. 34.724(2)(a), (b).

**Argument:**

In this case, Mr. Skinner seeks a change in the law. His case is rather unique in its procedural history. Mr. Skinner clearly objected to the calculations completed by the Department of Parole & Probation in their application of the Matrix they utilize when they determine whether to recommend probation or prison. That objection was not decided by the District Court. The presentence

report, which he objected to, followed him to prison and has impacted his prison classification as well as his parole chances.

Mr. Skinner filed a motion for correction of sentence, arguing that since the court relied upon erroneous information in the presentence report that the court should exercise its inherent authority to correct the sentence imposed and grant a term of probation. Mr. Skinner filed a second and third petition for writ of habeas corpus (postconviction) arguing the same factors. Mr. Skinner understood that he would face procedural bars on those petitions. In fact, the district court denied the second and third petitions as successive and untimely. This left Mr. Skinner in a "catch 22" position seeking a remedy that he should have had by direct appellate counsel appealing the district court's refusal to rule upon the presentence report objections.

Counsel concedes the case of *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) and its ruling that a "motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant's criminal

record which work to the defendant's extreme detriment.” *Edwards* is a very limited decision. This Court should expand *Edwards* so that a defendant in the shoes of Mr. Skinner has access to court to correct the miscarriage of justice that occurred herein.

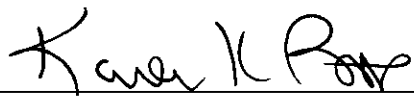
The presentence report clearly demonstrated that Mr. Skinner did not have a criminal record of any type. That document was correct about his criminal history. The constitutional right to effective assistance of counsel extends to a direct appeal. *Burke v. State*, 110 Nev. 1366, 1368, 887 P.2d 267, 268 (1994). A claim of ineffective assistance of appellate counsel is reviewed in the "reasonably effective assistance" test set forth in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) and *Kirksey v. State*, 112 Nev. 980, 923 P.2d 1102 (Nev. 1996). Appellate counsel failed to raise the sentencing error on direct appeal. Appellate counsel failed to raise concern over the refusal of the district court to correct the presentence report. This Court should review the

*Edwards* decision and expand its application to cases which demonstrate a miscarriage of justice.

### **VIII. CONCLUSION**

This Court should reverse the decision of the District Court and remand this matter for an evidentiary hearing or grant relief to Mr. Skinner.

Respectfully submitted this : March 27, 2024.

By:   
KARLA K. BUTKO  
KARLA K. BUTKO, LTD.


### **CERTIFICATE OF COMPLIANCE**

**I hereby certify that I have read this appellate brief, entitled, "APPELLANT'S OPENING 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 Rule of Appellate Procedure, in particular N.R.A.P. 28(e), which requires every assertion in the brief regarding matters in the record to be supported by appropriate references to the record on appeal.**

**I further certify that this brief complies with the page- or type- volume limitation of 32(a)(7)(A)(ii) because although, excluding the parts of the brief exempted by NRAP 32(a)(7)( c ), it does not exceed 30 typed pages.**

**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. There are 25 typed pages, 4,452 words in this brief and 427 lines of type. The Brief has been prepared in Word Perfect X6, 2.45 spacing and 14 point-- Times New Roman font, proportionally spaced type.**

DATED this 27 day of March, 2024.

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**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25, I certify that I am an employee of Karla K. Butko, P. O. Box 1249, Verdi, NV 89439, and that on this date I caused the foregoing document to be delivered to all parties to this action by

E Flex Delivery of the Nevada Supreme Court System

addressed as follows:

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Reno, NV 89501  
ATTN: Jennifer Noble, Esq.

DATED this 27 day of March, 2024.

A handwritten signature in black ink, appearing to read "Karla K Butko", is written over a horizontal line.

KARLA K. BUTKO, ESQ.