IN THE SUPREME COURT OF THE STATE OF NEVADA

CASE No. 89650
WILLIAM COSBY, JR.,
Appellant,
v.
ANGELA LESLIE
Respondent.

Appeal from an Order Accepting Certified Question, Directing Briefing, and Directing Submission of Filing Fee
Case Number 2:23-cv-00932-GMN-DJA
The Second Judicial District Court of the State of Nevada
Chief Justice Douglas Herndon

ANSWERING BRIEF OF RESPONDENT ANGELA LESLIE

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26.1 DISCLOSURE STATEMENT

Pursuant to NRAP 26.1, the undersigned counsel of record certifies that the Respondent is an individual. There are no persons or entities as described in NRAP 26.1(a) that must be disclosed.

The following law firms and attorneys have appeared and/or are expected to appear in this Court on behalf of Respondent:

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Dated this 2nd of September, 2025.

By: /s/ Jordan Rutsky

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JURISDICTIONAL STATEMENT

Respondent, by her counsel Merson Law, PLLC and Panish Shea Ravipudi LLP, submits this brief in response to Appellant's Opening Brief to address a question of law certified by The Supreme Court of the State of Nevada. October: 1, 6,8, 9, 10, 13, 14, 15, 28, 29

ROUTING STATEMENT

The United States District Court for the District of Nevada entered an order certifying a question of law to this Court pursuant to NRAP 5, and on January 30, 2025, this Court accepted pursuant to NRAP 17(a)(6).

STATEMENT OF THE ISSUE

Whether a person sexually assaults another, pursuant to NRS 200.366, when a perpetrator forces a victim to masturbate them with the victim's hand without their consent.

STATEMENT OF THE CASE

This is the case of Angela Leslie, one of ten plaintiffs who brought an action against defendant/appellant William Cosby, Jr. ("Cosby") in the Nevada District Court, based on allegations that Cosby subjected the ten women to non-consensual and traumatic sexual assault. A1-A27, A82-A110. Specific to Ms. Leslie's claim, Ms. Leslie alleges that Cosby

drugged her, forced his penis into her hand, forcibly moved her hand to masturbate Cosby, and then climbed atop Ms. Leslie before she was able to fight him off. A95-A96.

After Cosby moved to dismiss all claims against him, the Nevada District Court largely denied Defendant/Appellant's motion and certified a legal question to this Court as to whether the allegations of Ms. Leslie constitute a claim of sexual assault under NRS 200.366 such that she is entitled to an extension of the statute of limitations pursuant to Nevada Revised Statutes, Chapter 11; Added by 2023 Nev. SB 129, §1 (hereinafter, "SB 129"). A203-A219. This Court accepted the certified question on January 30, 2025. A220-A222.

STATEMENT OF FACTS

This action arises from claims by ten individuals that defendant/appellant Cosby sexually assaulted them in Nevada. A82-A110. Among the plaintiffs, Angela Leslie specifically alleged that in the late 1980s or early 1990s, Cosby invited her to his hotel room where he drugged and sexually assaulted her by forcing his penis into her hand and moving her hand to masturbate him without her consent. A95-A96. Cosby then tried to climb atop Ms. Leslie, but she fought him off. A96.

On June 14, 2023, Plaintiffs filed their lawsuit in the United States District Court, District of Nevada, pursuant to SB 129, which eliminated the statute of limitations for victims of sexual assault to commence a civil action arising from the sexual abuse. A1-A27. In their pleadings, supplemented on August 3, 2023, via Plaintiffs' Amended Complaint, Plaintiffs claimed causes of action for assault, battery, intentional infliction of emotional distress, and negligent infliction of emotional distress, among others. A100-A109.

NRS 200.366 provides that a person is guilty of sexual assault if the person, "[s]ubjects another person to sexual penetration, or forces another person to make a sexual penetration on themselves or another…" Further, "sexual penetration" is defined by NRS 200.364(9) to mean, "cunnilingus, fellatio, **or any intrusion, however slight, of any part of a person's body** or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning." (emphasis added).

On December 8, 2023, Defendant/Appellant filed a motion to dismiss all the claims against him, arguing specifically in relation to Ms.

Leslie that the conduct she complained of – being forced to masturbate Cosby – does not constitute sexual assault under NRS 200.366. A35-A36.

United States Magistrate Judge Daniel Albregts reviewed Defendant/Appellant's motion and included in his Report and Recommendation [A182-A202]:

> **Here, the Court finds that Leslie's claims are revived by SB 129 because she has alleged a sexual assault under NRS 200.364 and NRS 200.366.** Starting with the language employed by the Nevada Legislature, **the ordinary meaning of sexual penetration as including penetration of "any part of a person's body" would accurately express the legislative purpose of NRS 200.364 and NRS 200.366**. The Legislature summarized that the addition of these provisions "redefines the crime of forcible rape as sexual assault…[and] focuses upon sexual assault as a crime of violence rather than one of passion." SUMMARY OF LEGISLATION, S.B. 142, 1977 Leg., 59th Sess., at 2 (Nev. 1977). In doing so, the Legislature heard statements that old laws governing rape failed to acknowledge that men were also subject to sexual assault. Senate Judiciary Hearing on SB 412 – April 5, 1977, 1977 Leg., 59th Sess., at 712 (testimony by Florence McClure, Dir. of Community Action Against Rape). **Reading the statute to incorporate penetration of a person's hand is in line with the statute's purpose of broadening the definition of sexual assault.**

A186, lines 13-25.

District Judge Gloria M. Navarro then reviewed the motion and agreed with the recommendation of the Magistrate Judge, finding:

> The crux of the competing viewpoints is this: Whether a person sexually assaults another, pursuant to the applicable statute (NRS 200.366 and 200.364(9)), when a person allegedly forces another person to masturbate him with her hand against her will? **The Court believes this conduct likely does fall within the definition of Nevada's sexual assault statute.**

A206, lines 9-13 (emphasis added). However, finding a lack of clear legal authority, the Nevada District Court issued a certification order pursuant to Rule 5(c) of the Nevada Rules of Appellate Procedure for this Court to determine whether the conduct alleged constitutes sexual assault. A206, lines 13-15.

THE STANDARD OF REVIEW

This Court reviews certified questions of law *de novo*. *See Echeverria v.* State, 495 P.3d 471, 474, 137 Nev. 486, 488 (2021). Similarly, this Court reviews questions of statutory interpretation *de novo*. *State Department of Business and Industry, Financial Institutions Division v. Dollar Loan Center, LLC,* 412 P.3d 30, 33, 134 Nev. 112, 115 (2018).

"The leading rule for the construction of statutes is to ascertain the intention of the legislature in enacting the statute, and the intent, when ascertained, will prevail over the literal sense." *Welfare Div. v. Washoe*

Co. Welfare Dep't, 503 P.2d 457, 458, 88 Nev. 635, 637 (1972)(*quoting State v. Ross*, 14 P. 827, 828, 20 Nev. 61, 63 (1887)); *see also Colello v. Adm'r of Real Est. Div. of State of Nev.*, 683 P.2d 15, 17, 100 Nev. 344, 347 (1984)(finding in relation to a statute that was intended to "aid victims of real estate fraud" that "Statutes with a protective purpose should be liberally construed in order to effectuate the benefits intended to be obtained."). Where alternative interpretations of a statute are possible, the interpretation that leads to a reasonable result should be accepted, with consideration of the legislature's goal in enacting the law. *Sheriff, Washoe County v. Smith*, 542 P.2d 440, 443, 91 Nev. 729, 733 (1975).

Finally, if a statutory phrase is undefined, the Court will look to the phrase's plain and ordinary meaning. *In re Resort at Summerlin Litig.*, 127 P.3d 1076, 1079, 122 Nev. 177, 182 (2006).

SUMMARY OF THE ARGUMENT

The central issue before this Court is whether the conduct of Cosby in forcing his penis into Angela Leslie's hand and forcing her to masturbate him constitutes sexual assault under Nevada law, specifically NRS 200.366 and NRS 200.364(9), such that the statute of

limitations for her civil claims arising from that act has been eliminated pursuant to SB 129. Given the plain language of the relevant statutes and legislative intent, this Court should answer in the affirmative, that forced masturbation is included in sexual assault under NRS 200.366.

According to the plain language of the relevant statutes, the abuse suffered by Ms. Leslie constitute sexual assault. Under NRS 200.366, sexual assault occurs when one "[s]ubjects another person to sexual penetration…against the will of the victim…" "Sexual penetration" is broadly defined by the Nevada legislature in NRS 200.364(9) to include, "any intrusion, however slight, of any part of a person's body," which necessarily includes a perpetrator forcing his penis into a victim's hand (any part of her body).

Appellant seeks to limit the term, "intrusion," from the definition in NRS 200.364(9) by citing to irrelevant foreign case law or other Nevada laws having no bearing on this action; however, the plain language meaning of intrusion based on sources cited by Appellant, namely Merriam-Webster and Black's Law Dictionary, demonstrate that intrusion in this context includes the acts alleged against Cosby. Appellant also contends that a modifying phrase at the end of the

definition of sexual penetration applies not to the language immediately preceding it, but to, "any intrusion, however, slight, of any part of a person's body," even though that language appears earlier in the sentence, remote from the modifier. Yet, Appellant is incorrect, as the rule of last antecedent, a basic principle in sentence structure confirmed by the Magistrate Judge in the District of Nevada and well-established case law, demonstrates that the modifier does not apply as Appellant contends.

In addition, the legislative intent behind the law defining sexual penetration (NRS 200.364(9)) and the law that eliminated the statute of limitations for civil cases arising from sexual assault (SB 129) support including forced masturbation within the definition of sexual assault. As explained by the Magistrate Judge, NRS 200.369(4) was enacted to redefine rape and broaden its reach. As explained by the District Judge, SB 129's purpose was to help victims of sexual assault seek legal redress. Consequently, excluding forced masturbation from sexual assault under NRS 200.366 or the expansion of the statute of limitations created by SB 129 would create an illogical loophole that goes against this legislative intent.

Accordingly, this Court should find that NRS 200.366 includes forced masturbation such that a claim related to forced masturbation receives the benefit of SB 129, pursuant to the plain language of NRS 200.366 and NRS 200.364(9) and the legislative intent behind those laws and SB 129.

ARGUMENT

A. The Plain Language of NRS 200.366 and NRS 200.364(9) Demonstrate That Ms. Leslie's Claims Constitute Sexual Assault

The plain language of NRS 200.366 and 200.364(9) demonstrate that an assailant forcing a victim to touch the assailant's penis and masturbate the assailant is sexual assault because the act involves an intrusion of the victim's body (her hand) sufficient to meet the definition of sexual assault under NRS 200.366 and sexual penetration under NRS 200.364(9) ("any intrusion, however slight, of any part of a person's body").

In 2023, Nevada passed SB 129, which abolished the statute of limitations for civil claims arising from sexual assault of adults over eighteen years of age. The purpose of the law was to afford victims of

sexual assault the ability to seek redress in civil court for the trauma caused by sexual assault. A215, lines 8-10.

"Sexual Assault," for the purpose of SB 129, is defined in NRS 200.366, and occurs when a person, "[s]ubjects another person to sexual penetration, or forces another person to make a sexual penetration on themselves or another…against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct."

"Sexual penetration" is defined by NRS 200.364(9) as "cunnilingus, fellatio, or **any intrusion, however slight, of any part of a person's body** or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning."(emphasis added). As explained by the Court of Appeals of Nevada, "The Legislature has **broadly defined sexual penetration**, **and without authority suggesting otherwise, we accord the Legislature substantial deference."** *Bernal v. State,* 507 P.3d 1241, fn 15, 138 Nev. 918 (Nev. App., Apr. 20, 2022)(emphasis added).

By alleging that Cosby forcibly placed his penis in Ms. Leslie's hand, Ms. Leslie sufficiently pleaded that Cosby engaged in intrusion, however slight, of "any part of [her] body" (her hand) sufficient to satisfy the broad definition of sexual penetration chosen by the legislature when passing NRS 200.364(9). A95-A96. Similarly, by alleging that the assault occurred without her consent, i.e., "against the will of the victim," Ms. Leslie adequately pleaded sexual assault under NRS 200.366. A95-A96.

Accordingly, Ms. Leslie's claims that Cosby drugged her, forced his penis into her hand, and forced her to masturbate him constitute sexual assault under the plain language meaning of NRS 200.366 and NRS 200.364(9).

B. The Plain Meaning of the Word "Intrusion" Demonstrates that Ms. Leslie's Claims Constitute Sexual Assault

Appellant contends that considering "any intrusion, however slight, of any part of a person's body" to include forcing one's penis into the hand of another, "would…broaden the definition of 'intrusion' to the point of absurdity, giving it a metaphorical rather than a precise technical meaning." Appellant's Opening Brief (Document 2025-28787), p. 21. However, Appellant is incorrect, because the plain meaning of "intrusion"

in the phrase, "any intrusion, however slight, of any part of a person's body" includes intruding one's penis into the hand of another person without broadening the definition of "intrusion" at all.

As an initial matter, since "intrusion" is undefined by NRS 200.364, this Court is to prescribe the plain meaning rule to determine the meaning of the statute. *See Orbitz Worldwide, LLC v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 535 P.3d 1173, 1179, 139 Nev. 367, 374 (Nev. App., Sept. 28, 2023); *see also In re Resort at Summerlin Litig.,* 127 P.3d 1076, 1079, 122 Nev. 177, 182 (2006)("When interpreting a statute…[i]f a statutory phrase is left undefined, this court will construe the phrase according to its plain and ordinary meaning.").

When Appellant argues that this Court should apply the "generally accepted" meaning of "intrusion" in his brief, Appellant cites to the definition of "intrusion" from Merriam-Webster. Appellant's Opening Brief, p. 11. Notably, the Merriam-Webster definition is twofold, consisting of only one relevant definition, "the act of intruding or the state of being intruded."[1] *Intrusion*, *Merriam-Webster*, *available at*

[1] The other definition, "forcible entry of molten rock…", is irrelevant to this action. INTRUSION, Merriam-Webster, *available at*

https://www.merriam-webster.com/dictionary/intrusion (last visited August 22, 2025). Further, the term "intruded," as used in the definition of "intrusion," has four meanings, according to Merriam-Webster, one that is irrelevant[2] and three that involve forced interaction: "to thrust oneself in without invitation, permission, or welcome," "to thrust or force in or upon someone or something especially without permission, welcome, or fitness," or "to cause to enter as if by force." *Intruded*, *Merriam-Webster*, *available at* [https://www.merriam-webster.com/dictionary/intruded] (last visited August 22, 2025).

In addition to citing Merriam-Webster, Appellant also cites Black's Law Dictionary. Appellant's Opening Brief, p. 11. The Black's Law Dictionary definition of intrusion is twofold: "entering without permission. See trespass," and, "a highly offensive invasion of another person's seclusion or private life." *Intrusion*, *Black's Law Dictionary* (12th ed. 2024). While the first definition is not applicable given the context of this action, the second definition supports a finding that a

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https://www.merriam-webster.com/dictionary/intrusion (last visited August 22, 2025).

[2] The irrelevant definition is "to enter as a geologic intrusion." INTRUDED, Merriam-Webster, *available at* [https://www.merriam-webster.com/dictionary/intruded] (last visited August 22, 2025).

party forcing his penis into another person's hand without that person's consent would be an intrusion, i.e., "a highly offensive invasion of another person's" body autonomy, i.e., her "seclusion or personal life."

Accordingly, every relevant plain language definition of "intrusion" cited by Appellant and Respondent supports a finding that forcing one's penis into the hand of another person constitutes an "intrusion, however slight, of any part of [Ms. Leslie's] body" sufficient to satisfy the definition of sexual penetration and sexual assault under NRS 200.364(9) and NRS 200.366, respectively.

C. NRS 200.364(9) Should Be Read Pursuant to the Rule of Last Antecedent

Appellant also contends that Ms. Leslie's claims do not constitute sexual assault because, according to Appellant, the modifying phrase within the definition of sexual penetration, "into the genital or anal openings of the body of another," was intended to modify the earlier language, "any intrusion, however slight, of any part of a person's body," rather than the immediately preceding phrase of "any object manipulated or inserted by a person." Appellant's Opening Brief, pp. 11-12; NRS 200.366. However, to reach such a conclusion, Appellant asks this Court to abandon normal sentence structure, which would place modifiers

immediately after the term it is modifying. *Lockhart v. United States*, 577 U.S. 347, 351 (2016). Accordingly, the Court must reject Appellant's attempt to reword the statute's plain language, and instead determine that in the phrase, "cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning," the modifier of "into the genital or anal openings of the body of another," modifies the immediately preceding language of "any object manipulated or inserted by a person" rather than the earlier phrase of "any intrusion, however, slight, of any part of a person's body." NRS 200.366.

When analyzing Appellant's argument regarding the modifying phrase, the Magistrate Judge explained, "Under the rule of the last antecedent, '[q]ualifying words or phrases modify the words or phrases immediately preceding them and not words or phrases more remote, unless the extension is necessary from the context or the spirit of the entire writing.'" A186, lines 1-4, *quoting* Lockhart v. United States, 577 U.S. 347, 351 (2016). The Magistrate Judge then applied the rule of last antecedent to NRS 200.364(9), finding:

> **[U]nder the rule of the last antecedent, the qualifying words 'manipulated or inserted by a person into the genital or anal openings of the body of another' modify the phrase immediately preceding them, 'object' rather than the more remote phrase 'any intrusion, however slight, of any part of a person's body.'** This squares with the Supreme Court's interpretation in *Lockhart* that the qualifying term 'conduct involving a minor or ward' modified only the phrase preceding it—'abusive sexual conduct'—and not the prior listed crimes. Here, 'manipulated or inserted by a person into the genital or anal openings of the body of another,' modifies only 'object' and not the prior listed act of 'any intrusion.' The Court thus recommends denying Defendant's motion to dismiss Leslie's claims because SB 129 revives them.

A186-A187 (A186, line 26-A187, line 7)(emphasis added).

Moreover, using the rule of last antecedent is necessary for the definition to make logical sense. By applying the modifying phrase, "into the genital or anal opening of the body of another," to the immediately preceding words, "any object manipulated or inserted by a person," the definition makes clear that an object must be inserted "into the genital or anal opening of the body of another," to be sexual assault. Otherwise, the phrase, "any object manipulated or inserted by a person" would include a person merely holding a pen (manipulating it) within the definition of sexual assault, even though it is obviously not sexual assault. In contrast, once that person manipulates or inserts that pen, "into the genital or anal opening of the body of another," without

permission, then that "object" becomes an instrument of sexual assault. Consequently, that modifier must apply to the manipulation or insertion of "any object" for the law to accurately address sexual assault, further demonstrating why the rule of last antecedent applies here.

Consequently, when one reads NRS 200.364(9) with normal sentence structure, including the rule of last antecedent, Angela Leslie's claim that Cosby forcibly intruded his penis into her hand falls under the broad definition of sexual penetration. *Bernal v. State,* 507 P.3d 1241, fn 15, 138 Nev. 918 (Nev. App., Apr. 20, 2022)("The Legislature has broadly defined sexual penetration, and without authority suggesting otherwise, we accord the Legislature substantial deference.").

D. Appellant's Foreign and Irrelevant Nevada Statutes Do Not Support Appellant's Request to Omit Masturbation from NRS 200.366 or NRS 200.364(9)

Despite a plain reading of NRS 200.366 and NRS 200.364(9) supporting a finding that forced masturbation is sexual assault, Appellant cites to non-binding and distinguishable foreign law and irrelevant Nevada statutes to argue for his interpretation of NRS 200.364(9). However, none of the foreign laws or Nevada statutes cited by Appellant support a departure from applying the rule of last antecedent or a plain reading interpretation of NRS 200.366 or NRS

200.364(9) in a manner that would exclude Cosby's alleged acts from the definition of sexual assault.

Even though Appellant refers to the laws of other states that have similar definitions of sexual penetration, Appellant fails to present any case *from any of these jurisdictions or Nevada* excluding masturbation from sexual penetration under those definitions. *See* Appellant's Opening Brief, pp. 13-14. As such, the mere existence of similar foreign laws offers no insight into interpretation of the language of NRS 200.364(9).

Similarly, Appellant identifies other states that explicitly include masturbation in their laws defining "sexual intercourse" and "sexual contact" but those definitions have no bearing on the interpretation of *Nevada's* law defining "sexual penetration," a completely different term. Appellant's Opening Brief, pp. 14-15.

Appellant also relies heavily on a case in which the Supreme Court of North Carolina held that under Black's Law Dictionary's definition of "sexual intercourse," a North Carolina law defining prostitution as requiring "sexual intercourse" does not include masturbation. Appellant's Opening Brief, pp. 15-16; *State v. Richardson,* 307 N.C. 692, 693-94, 300 S.E. 2d 379 (1983). However, a foreign court's interpretation

of "sexual intercourse" from Black's Law Dictionary has no bearing on the interpretation of an entirely different term, "sexual penetration," from Nevada state law (NRS 200.364(9)) that was broadly defined by the Nevada Legislature. *Bernal v. State,* 507 P.3d 1241, fn 15, 138 Nev. 918 (Nev. App., Apr. 20, 2022)("The Legislature has broadly defined sexual penetration, and without authority suggesting otherwise, we accord the Legislature substantial deference.").

Appellant also contends that since an unrelated Nevada statute, NRS 201.520, defines "sexual conduct" to include both "masturbation" and "penetration" that the Nevada legislature knows them to be mutually exclusive. Appellant's Opening Brief, p. 14. Yet that same law also includes "fellatio, cunnilingus, and other oral-genital contact," within the definition of "sexual conduct," even though "fellatio" and "cunnilingus" are listed as part of the definition of "sexual penetration" in NRS 200.364(9)("'Sexual penetration' means cunnilingus, fellatio, or any intrusion…"). Therefore, the definition of "sexual conduct" under NRS 201.520 has no bearing on the whether masturbation fits within the broad definition of "sexual penetration," under NRS 200.364(9). *Bernal v. State,* 507 P.3d 1241, fn 15, 138 Nev. 918 (Nev. App.,

Apr. 20, 2022)("The Legislature has broadly defined sexual penetration, and without authority suggesting otherwise, we accord the Legislature substantial deference.").

Appellant also contends that his crime against Ms. Leslie was not sexual assault under NRS 200.366, but rather sexual lewdness under NRS 201.210. Appellant's Opening Brief, pp. 16-20. However, Appellant also admits that "lewdness is not expressly defined by the Nevada Revised statutes," and "there exists no case that holds that masturbation is not sexual penetration." Appellant's Opening Brief, pp. 17, 19.

Consequently, Appellant's references to foreign laws and other Nevada laws do not support Appellant's request that this Court omit forced masturbation from the definition of sexual assault.

E. The Legislative Intent Behind NRS 200.364(9) and SB 129 Support Including Forced Masturbation as Sexual Assault

While the plain language of the relevant laws supports a finding in Respondent's favor, the intention of the legislature when passing NRS 200.364(9) and SB 129 further supports a finding that Ms. Leslie's claims are subject to the extended statute of limitations under SB 129.

"**The leading rule for the construction of statutes is to ascertain the intention of the legislature in enacting the statute,**

and the intent, when ascertained, will prevail over the literal sense." *Welfare Div. v. Washoe Co. Welfare Dep't*, 503 P.2d 457, 458, 88 Nev. 635, 637 (1972)(*quoting State v. Ross*, 14 P 827, 828, 20 Nev. 61, 63 (1887)); *see also Colello v. Adm'r of Real Est. Div. of State of Nev.*, 683 P.2d 15, 17, 100 Nev. 344, 347 (1984)(finding in relation to a statute intended to "aid victims of real estate fraud" that "Statutes with a protective purpose should be liberally construed in order to effectuate the benefits intended to be obtained.").

Where alternative interpretations of a statute are possible, the interpretation that leads to a reasonable result should be accepted, with consideration of the legislature's goal in enacting the law. *Id.*; *see Sheriff, Washoe County v. Smith*, 542 P.2d 440, 443-44, 91 Nev. 729, 733-35 (1975).

As explained by Magistrate Judge Daniel Albregts, when the definition of sexual penetration was amended to include, "any intrusion, however slight, of any part of a person's body" in 1977:

> The [Nevada] Legislature summarized that the addition of these provisions 'redefines the crime of forcible rape as sexual assault…[and] focuses upon sexual assault as a crime of violence rather than one of passion.'" SUMMARY OF LEGISLATION, S.B. 142, 1977 Leg., 59th Sess., at 2 (Nev. 1977). In doing so, the Legislature heard statements that old

> laws governing rape failed to acknowledge that men were also subject to sexual assault. Senate Judiciary Hearing on SB 412 – April 5, 1977, 1977 Leg., 59th Sess., at 712 (testimony by Florence McClure, Dir. of Community Action Against Rape). **Reading the statute to incorporate penetration of a person's hand is in line with the statute's purpose of broadening the definition of sexual assault.**

A186, lines 17-25 (emphasis added).

Similarly, District Judge Gloria M. Navarro found that "**the legislative intent [of SB 129] was to afford victims of sexual assault the ability to seek redress in civil court for the trauma caused by sexual assault.**" A215, lines 8-10 (emphasis added).

Consequently, including forced masturbation – a blatantly sexual act that would put the victim in reasonable fear of offensive contact – within the definition of sexual assault to ensure that victims of forced masturbation have an opportunity to seek redress would be in keeping with the legislative intent of NRS 200.364(9), NRS 200.366, and SB 129. In contrast, interpreting the law as creating a loophole for that form of sexual abuse would be in direct conflict with the purpose of the laws.

Consequently, in addition to a plain reading of the statute, if this Court were to "ascertain the intention of the legislature in enacting the statute" and apply that intention when analyzing the construction of the

relevant statutes, the intent of the legislature supports a finding that Ms. Leslie's claims against Cosby arising from forced masturbation is not time barred, because it constitutes sexual assault under NRS 200.364(9) and NRS 200.366 and is therefore subject to SB 129. *See Welfare Div. v. Washoe Co. Welfare Dep't,* 503 P.2d 457, 458, 88 Nev. 635, 637 (1972)("The leading rule for the construction of statutes is to ascertain the intention of the legislature in enacting the statute, and the intent, when ascertained, will prevail over the literal sense.").

CONCLUSION

For the foregoing reasons, respondent Angela Leslie respectfully request this court answer the question presented in the affirmative, that a person commits sexual assault pursuant to NRS 200.366 when a perpetrator forces a victim to masturbate them with the victim's hand without their consent.

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Certificate of Compliance for Briefs

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4) and NRAP 28.2, the typeface requirements of NRAP 32(a)(5) and NRAP 28.2, and the type style requirements of NRAP 32(a)(6) and NRAP 28.2 because:

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Dated this 2nd day of September, 2025.

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