

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SPERKE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67319

FILED

OCT 13 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a judgment of conviction, pursuant to a jury verdict, for first-degree arson. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant Christopher Sperke contends that the district court committed structural error when it failed to comply with NRS 16.030(5) and administer the oath to the jury venire before voir dire. We agree. We recently held in *Barral v. State*, 131 Nev., Adv. Op. 52, 353 P.3d 1197, 1200 (2015), *cert. denied*, 136 S. Ct. 2542 (2016), that failure to administer the oath to potential jurors pursuant to NRS 16.030(5) is structural error requiring reversal. Because the district court did not comply with NRS 16.030(5), we

ORDER the judgment of conviction REVERSED AND
REMAND this matter to the district court for a new trial.¹

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Douglas Smith, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Because we reverse Sperke's conviction on the ground that the district court committed structural error, we decline to address the other issues in this appeal.