

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIEGO ARMANDO SALAZAR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68403

**FILED**

JAN 24 2018

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, of second-degree kidnapping and sexual assault of a minor under 14 years of age. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant Diego Armando Salazar 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 over his objection. The record reflects that both Salazar and the State raised the issue with the district court prior to voir dire, but the district court refused to administer the oath. We recently held that failure to administer the oath to potential jurors where, as here, both sides called the NRS 16.030(5) error to the district court's attention is an error requiring reversal. *See Barral v. State*, 131 Nev., Adv. Op. 52, 353 P.3d 1197, 1200 (2015), *cert. denied*, \_\_\_ U.S. \_\_\_, 136 S. Ct. 2542 (2016). 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.<sup>1</sup>

Pickering J.  
Pickering

Gibbons J.  
Gibbons

Hardesty J.  
Hardesty

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

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<sup>1</sup>We further hold that when viewed in the light most favorable to the State, a rational trier of fact could have found Salazar guilty beyond a reasonable doubt of these charges. *Milton v. State*, 111 Nev. 1487, 1491, 908 P.2d 684, 687 (1995). Because we reverse Salazar's conviction on the ground that the district court committed structural error, we decline to address the remaining issues in this appeal.