

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNIE MILLIGAN,
Appellant,
vs.
WARDEN, SOUTHERN DESERT
CORRECTIONAL CENTER, SHERMAN
HATCHER,
Respondent.

No. 37845

FILED

JUL 24 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus.¹

Appellant Ronnie Milligan, along with Terry Bonnette, Paris Leon Hale, and Katherine Orfield, was convicted of murdering Zolihan Voinski, a 77-year-old woman, in July 1980. Ramon Houston, who was also present at the murder, testified for the State against the four defendants at their trials. (Milligan was tried first in January 1981. Bonnette was tried individually, and Hale and Orfield were tried jointly.) Among other things, Houston testified that Milligan hit the victim in the head with a sledgehammer. Only Milligan received a death sentence, and this court affirmed his conviction and sentence.²

¹On March 27, 2002, Milligan filed a motion to strike from respondent's answering brief all references to a statement made by "Little Kathy" Orfield. The references are based on evidence presented at the evidentiary hearing held in this case and pertinent to elucidate decisions made by the prosecutor and trial counsel at Milligan's trial. We therefore deny the motion.

²Milligan v. State, 101 Nev. 627, 708 P.2d 289 (1985).

In 1987, Milligan filed a petition for post-conviction relief, which was denied after an evidentiary hearing, and this court dismissed Milligan's appeal from the denial.³

Milligan filed a second post-conviction petition, seeking habeas relief, in December 1992 and an amended habeas petition in May 1993. In May 1994, the district court dismissed the petition on procedural grounds without conducting an evidentiary hearing. On appeal, this court reversed because it could not determine from the existing record whether Milligan had made credible allegations that Houston's testimony was false and coerced, that Houston and Hale claimed that Milligan was not present at the murder, that the State withheld exculpatory evidence, and that new case law excused Milligan's failure to raise claims previously. We therefore remanded for an evidentiary hearing.⁴ On remand, the district court held a three-day evidentiary hearing; it again dismissed Milligan's petition as procedurally barred.

Procedural default

NRS 34.726(1) provides that absent a showing of good cause for delay, a petition challenging the validity of a judgment or sentence must be filed within one year after this court issues its remittitur on direct appeal. Good cause requires the petitioner to demonstrate that the delay was not his fault and that dismissal of the petition will unduly prejudice

³Milligan v. State, Docket No. 21504 (Order Dismissing Appeal, June 17, 1991).

⁴Milligan v. State, Docket No. 25748 (Order of Remand, July 23, 1996).

him.⁵ NRS 34.810(2) provides that a second or successive petition must be dismissed if it fails to allege new grounds for relief and the prior determination was on the merits or, if new grounds are alleged, the failure to assert those grounds in a prior petition constituted an abuse of the writ. NRS 34.810(3) requires a petitioner to plead and prove specific facts that demonstrate good cause for failing to present a claim before or presenting a claim again and actual prejudice.

Actual prejudice requires a petitioner to demonstrate “not merely that the errors [asserted] created a possibility of prejudice, but that they worked to his actual and substantial disadvantage, in affecting the state proceedings with error of constitutional dimensions.”⁶ To show good cause, a petitioner must demonstrate that an impediment external to the defense prevented him from complying with procedural default rules.⁷

Additionally, the law of a first appeal is the law of the case in all later appeals in which the facts are substantially the same; this doctrine cannot be avoided by more detailed and precisely focused argument.⁸

Milligan urges this court to review his allegations of constitutional error regardless of any procedural bars. However, absent a

⁵NRS 34.726(1).

⁶Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United States v. Frady, 456 U.S. 152, 170 (1982)).

⁷Crump v. Warden, 113 Nev. 293, 302, 934 P.2d 247, 252 (1997).

⁸Hall v. State, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975).

fundamental miscarriage of justice, this court does not have discretion to disregard the statutory procedural bars when they are applicable.⁹

Ineffective assistance of counsel can in some cases constitute cause to overcome procedural default.¹⁰ However, in post-conviction proceedings there is no right to effective assistance of counsel under either the Sixth Amendment or the Nevada Constitution.¹¹ A post-conviction petitioner does have a right to effective assistance of counsel when a statute requires appointment of counsel for the petitioner.¹² But when appointment of counsel is discretionary, the petitioner has no right to effective assistance by that counsel.¹³ Milligan had various counsel during the course of his first proceedings seeking post-conviction relief. The record before the court does not reveal whether these counsel were appointed or, if so, when. Until October 1, 1987, NRS 177.345(1) required a court to appoint counsel for an indigent petitioner within ten days of the filing of a petition for post-conviction relief.¹⁴ Thus, it may be that

⁹See Pellegrini v. State, 117 Nev. ___, ___, 34 P.3d 519, 537-38 (2001).

¹⁰Crump, 113 Nev. at 304, 934 P.2d at 253 (citing Coleman v. Thompson, 501 U.S. 722, 753-54 (1991)).

¹¹McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 257-58 (1996).

¹²Id. at 165 n.5, 912 P.2d at 258 n.5; Crump, 113 Nev. at 303, 934 P.2d at 253.

¹³Bejarano v. Warden, 112 Nev. 1466, 1470 & n.1, 929 P.2d 922, 925 n.1 (1996).

¹⁴See 1987 Nev. Stat., ch. 539, § 42, at 1230; NRS 218.530.

Milligan had mandatory appointed counsel pursuant to this statute and so the right to effective assistance by that counsel.

The parties have not addressed this issue, and Milligan argues only that his trial counsel, not his first post-conviction counsel, were ineffective. In this case, a claim of ineffective trial counsel does not constitute cause to overcome procedural default because that claim should have been raised in the first post-conviction petition. Further, Milligan does not raise any claims now--including his allegations that the prosecution unconstitutionally withheld information--that could not have been raised in his first post-conviction petition. Thus, as discussed more fully below, Milligan has failed to demonstrate good cause, and his claims are procedurally barred.

Nevertheless, if Milligan showed that important claims were never presented to the courts, or were inadequately presented, this court could overlook the lack of good cause if the prejudice from failing to consider the claims amounted to a "fundamental miscarriage of justice."¹⁵ "We have recognized that this standard can be met where the petitioner makes a colorable showing he is actually innocent of the crime or is ineligible for the death penalty."¹⁶ Again as discussed below, we conclude that none of Milligan's claims implicate this standard.

¹⁵See Pellegrini, 117 Nev. at ___, 34 P.3d at 537.

¹⁶Id.

Claims involving Brady v. Maryland

Milligan's primary contention is that the prosecution violated Brady v. Maryland¹⁷ by failing to disclose exculpatory information about a number of matters, including that its main witness, Houston, lied. The record largely belies these claims and shows that Milligan and his various counsel either knew or should have known about these matters. These claims therefore fail to constitute cause or prejudice to overcome the procedural bars.

Determining whether the State adequately disclosed information under Brady involves both factual and legal questions and requires de novo review by this court.¹⁸ Brady and its progeny require a prosecutor to disclose evidence favorable to the defense if the evidence is material either to guilt or to punishment.¹⁹ Evidence is material if there is a reasonable probability that the result would have been different if the evidence had been disclosed.²⁰

Milligan first contends that the prosecution concealed that immunity was granted to Houston in exchange for his testimony. The record belies this contention.

Before trial, Milligan moved for disclosure of any grants of immunity, and in January 1981 a hearing was held on the motion. The

¹⁷373 U.S. 83 (1963).

¹⁸Mazzan v. Warden, 116 Nev. 48, 66, 993 P.2d 25, 36 (2000).

¹⁹See Jimenez v. State, 112 Nev. 610, 618-19, 918 P.2d 687, 692 (1996).

²⁰Id. at 619, 918 P.2d at 692.

prosecutor stated that aside from "Little Kathy" Orfield (the sixteen-year-old daughter of defendant Katherine Orfield), "There's been no formal immunity granted to any other witness." But immunity had been granted to Houston more than two months earlier at an ex parte hearing without notice to the defendants or their counsel. Based on these facts, Milligan asserts that the prosecutor lied and the jury was not informed that Houston's testimony came in exchange for immunity. We conclude that this assertion is frivolous.

To begin with, the trial court said nothing when the prosecutor stated that immunity had been granted only to Little Kathy. The court's silence indicates either that it had forgotten the grant to Houston, condoned concealing the information, or knew that Milligan had already learned about Houston's immunity. The record shows the last to be true. When Houston testified during the trial the prosecutor asked him if he had "been given a grant of immunity in exchange for [his] testimony," and Houston said no. (At all the proceedings related to this case, Houston spoke Spanish and communicated through an interpreter.) The prosecutor continued.

Q Do you understand what immunity is?

A Yes.

Q Do you remember a proceeding several months ago in this courtroom before this judge?

A Yes.

Q At that time do you remember anything being said to you as to whether or not you would be prosecuted as a result of those events?

A They told me I wasn't being accused of any crime.

During closing argument, Milligan's counsel said: "We know [Houston] was the first one who spoke, that he was granted immunity" Counsel also asked the jury, "Why do you offer immunity to a man who is not an accomplice?" And the trial court, prosecutor, and trial counsel even discussed in front of the jury the type of immunity that Houston had received.

In his reply brief, Milligan dismisses trial counsel's express acknowledgement of the grant of immunity, declaring it "well established that the arguments of counsel are not evidence." This reasoning is specious. An attorney's arguments are not evidence at trial for determining guilt, but in post-conviction proceedings they are certainly evidence for determining what the attorney knew. Milligan also claims that the prosecution did nothing to correct Houston's "false and perjured testimony" that he had not been granted immunity. However, as set forth above, the prosecutor did correct Houston's testimony, to the apparent satisfaction of Milligan's trial counsel, who did not object.

Milligan argues finally that the prosecutor misled the jurors regarding immunity, telling them that Houston's former testimony could be used to prosecute him. This argument has no merit. The record shows that the prosecutor correctly maintained that, pursuant to NRS 178.572(1), Houston would not be prosecuted based on any evidence he provided. The prosecutor told the jury at one point that Houston "was given a grant of immunity after he had testified at the preliminary hearing. That testimony could have been used against him." It is evident that the prosecutor meant that the testimony could have been used before immunity was granted, not after.

Next, Milligan asserts that Houston lied on the stand about the extent of his criminal history and that the prosecution remained willfully ignorant of that history. Milligan claims that Houston revealed more of his criminal history at the subsequent trials of Milligan's codefendants and that the prosecution obtained more of that history, including aliases used by Houston, that should have been provided to Milligan. This issue also lacks merit.

Questioned by the prosecutor at the joint preliminary hearing in this case, Houston testified that he received a sentence of one year and eight months for a robbery in Mexico. He said that he was arrested other times in Mexico, including for knifing a detective, which carried a sentence of five days. He also said that he received a 32-day sentence for a robbery in San Antonio, Texas. Under cross-examination by one defense counsel, Houston said he was convicted in Mexico for three robberies and a knifing. During cross-examination by another, he said that in Mexico he had been convicted of stealing a pig and of breaking into a car and stealing books and jewels; he received a sentence of three and a half years for the latter crime. At Milligan's trial, during direct examination Houston testified that in Mexico he was convicted of stealing a pig and of stabbing a detective. On cross-examination, trial counsel asked if Houston had "been in trouble before?" He answered, "Yes. I have been in many problems." Counsel asked if he had been "in jail in Mexico one time," if he was "once arrested for stabbing a detective," and if he "went to jail in San Antonio, Texas, for stealing?" Houston answered yes to all three questions.

Based on Houston's preliminary hearing testimony, Milligan asserts that Houston lied at trial during the case in chief and the prosecutor "did nothing to elicit the truth." This assertion is

unpersuasive. The record shows that Houston answered every question posed by either attorney about his criminal history. The prosecutor's questioning was rather haphazard and incomplete (as was trial counsel's) and did not elicit all the convictions alluded to at the preliminary hearing, but there is no indication that the prosecutor withheld any material information from the defense or the jury. Nor was it his duty to impeach his own witness.

Milligan also points to Houston's testimony at the codefendants' trials. At Bonnette's trial, the prosecutor elicited that in Mexico Houston had been convicted of stealing "a pig or two," stealing a fan, breaking into a car where some books were "lost," and a knifing. He admitted being accused of rape but said he had not been convicted. He had also been convicted in the United States of stealing a pair of pants and some shirts. Bonnette's defense counsel asked Houston whether he had been convicted of rape on April 23, 1979, and confronted him with a document. Houston maintained that he had not been convicted. At the trial of Hale and Orfield, on direct examination Houston admitted to what appear to be basically the same crimes elicited by the prosecution at Bonnette's trial. Defense counsel for Hale established that Houston had been charged with rape in Mexico in 1979, and Houston admitted that police had talked to him "for fracturing someone's jaw" and that he had been accused of stealing some jewelry.

The record also includes documents showing that the prosecution sought and obtained information on Houston's background. The earliest document is dated April 1981, about three months after Milligan's conviction. Milligan concludes that the prosecutor waited to obtain any information so that Milligan could not use it to impeach

Houston. Even assuming that the prosecutor did not seek information on Houston until after Milligan's trial, we do not discern any misconduct. Any relevant information was obviously intended for use at the subsequent trials of the other defendants, and it seems unlikely the prosecutor expected to keep Milligan from learning of any significant new impeachment evidence. Nor does Milligan point to any significant evidence that surfaced after his trial. He implies that the testimony at the subsequent trials and the information in the later documents revealed much more about Houston's criminal past. We disagree. Houston's basic criminal record was revealed at Milligan's preliminary hearing. The accusation of rape was probably the only development of some significance, but Houston consistently denied that he had been convicted of rape, and Milligan provides no proof of a conviction.²¹ More important, he does not show that the State had such proof.

Milligan also cites a letter sent to the prosecutor by a prison inmate who claimed that Houston had committed armed robberies with him in northern Nevada before the instant murder. The inmate suggested, "Maybe we can help each other." The prosecutor received this letter almost a year after Milligan's conviction and did not consider it credible. The prosecutor testified at the evidentiary hearing²² that he did not remember if he disclosed it to defense counsel. Milligan says that this

²¹A witness can generally be impeached only with an appropriate felony conviction, not mere arrest. NRS 50.095; Sheriff v. Hawkins, 104 Nev. 70, 75 & n.5, 752 P.2d 769, 773 & n.5 (1988).

²²Unless otherwise noted, references to the evidentiary hearing are to the hearing that was held on Milligan's instant post-conviction petition in 1998.

letter was important evidence to impeach Houston. Even if the prosecutor did not disclose the letter, Milligan has failed to demonstrate that the inmate's claim was credible and therefore material under Brady.

The jury at Milligan's trial was informed that Houston was an ex-felon. The prosecutor did not keep information about Houston's criminal history from Milligan, and Milligan's trial counsel were free to investigate this matter and cross-examine Houston about it. No Brady violation occurred.

Milligan next asserts that the defense was not informed that while Houston was held as a material witness he received inducements for his testimony. We conclude that Houston's treatment was appropriate and largely known to the defense.

Houston was held for months in the Humboldt County jail as a material witness in the trials of Milligan and his codefendants. At the ex parte hearing regarding immunity, the prosecutor informed the trial court that because Houston was "a guest rather than a prisoner, we're attempting to make his stay as comfortable as possible." He was being provided with Spanish books, newspapers, and magazines. The prosecutor said, "I think it is routine practice that many of the law enforcement officers, including myself, have donated a small amount of funds to make sure he has cigarettes and Coca-Cola money and things of that sort." The court agreed with this treatment.

At the evidentiary hearing, the prosecutor testified that Houston's treatment was not a secret and he assumed that the defense knew about it. Houston had "trustee" status at the jail, allowing him to do things such as buy commissary items, leave the cell, go to the recreation yard, and work. Milligan's trial counsel testified that he learned soon

after the trial through news reports that Houston had received special privileges and money. Trial counsel also stated, "We knew that [Houston] had some special privileges down at the jail, because he was not being held in a--he would be roaming around down there when you went down to the jail to see your clients."

The record shows that the defense was aware that Houston had trusty status and was not being held as a typical jail inmate. This status was appropriate since Houston was a material witness, not a defendant. It appears that the defense did not know specifically that money was given to Houston. This information was relevant to impeachment, and the prosecution probably should have affirmatively given it to the defense. However, Brady was not offended because it appears that the defense could have obtained the information itself with reasonable diligence.²³ Regardless, the information would not have made a material difference because the amounts of money were small and simply allowed Houston to buy commissary items.

Milligan claims next that the prosecution did not timely inform him of statements made by codefendant Orfield alleging that Houston had murdered the victim. The record belies this claim.

The record includes three documents reporting statements by Orfield implicating Houston in the murder. The defense indisputably received one of these documents. This occurred after trial had commenced, and Milligan declares in conclusory fashion that he was therefore precluded "from using such evidence effectively or even at all."

²³See Rippo v. State, 113 Nev. 1239, 1257, 946 P.2d 1017, 1028 (1997) ("[A] Brady violation does not result if the defendant, exercising reasonable diligence, could have obtained the information.").

He also declares that “[t]he evidence is quite clear” that he never received the other two documents. We conclude that the evidence indicates the contrary. At the evidentiary hearing, the prosecutor testified that he maintained an open file policy and believed that the information had been passed on to the defense. And Milligan’s trial counsel testified that he learned before trial that Orfield had implicated Houston, but Orfield’s attorney would not allow her to be interviewed. (At her own eventual trial, Orfield testified that she did not know who attacked the victim.) The record shows that Milligan was informed in a timely way that Orfield had implicated Houston in the murder.

Next, Milligan asserts a Brady violation based on allegations made in a civil complaint filed in federal court on Houston’s behalf after Milligan’s trial. Houston sued Humboldt County, the prosecutor, a deputy sheriff, and others, claiming that his thirteen-month detention as a material witness violated his rights. He also alleged among other things that the deputy sheriff had subjected him to two mock executions. He eventually settled the suit for \$80,000. Milligan contends that this information could have been used to impeach Houston as to the voluntariness and veracity of his testimony. This contention establishes no grounds for relief: Milligan fails to demonstrate how the prosecution violated Brady. The complaint was filed eleven months after Milligan’s trial, so the prosecution had no knowledge of it when Milligan was tried. Nor did the civil defendants admit any liability in settling the suit.

All of Milligan’s claims of Brady violations fail to constitute cause or prejudice to overcome statutory procedural bars. They also reveal no fundamental miscarriage of justice.

Milligan also claims that the cumulative effect of all the alleged Brady violations warrants relief. Likewise, he complains of prosecutorial misconduct, relying on the same alleged violations. Given the lack of merit of the underlying Brady issues, these claims also fail to show cause or prejudice.

Other barred claims

Milligan argues that his trial counsel were ineffective in conceding his guilt and in failing to conduct an adequate investigation. But he does not provide good cause for not raising these issues in his first post-conviction petition, nor does he demonstrate that failure to consider these issues would result in a fundamental miscarriage of justice. Milligan cites among other cases our decision in Jones v. State for the proposition that a counsel's concession of a client's guilt requires reversal.²⁴ Jones is not on point because it involved counsel's concession of guilt without the client's approval and despite the client's testimonial disavowal of guilt.²⁵ Here Milligan presented no evidence that trial counsel's concession that Milligan committed second-degree murder was made without his approval, and the record repels such a claim. Milligan also complains that his trial counsel did not investigate Houston's background, the special treatment Houston received from the State, or the condition of Houston's clothing. Even if trial counsel should have investigated these matters, however, the evidence in question does not

²⁴110 Nev. 730, 877 P.2d 1052 (1994).

²⁵See id. at 737-39, 877 P.2d at 1056-57.

indicate that Milligan is actually innocent or ineligible for the death penalty.

Two other claims are procedurally barred because they have already been decided by this court. First, citing Brady, Milligan claims that the State unconstitutionally withheld evidence regarding blood on Houston's shoe and wetness and stains on his clothes when he was taken into custody. In his first post-conviction proceeding, Milligan claimed that his trial counsel were ineffective in not presenting this same evidence to the jury, and this court concluded that despite any errors by counsel there was no reasonable probability of a different result. Raising this issue now as a Brady claim avoids neither the procedural bars nor the conclusion that this evidence does not create a reasonable probability of a different result. Second, Milligan claims that the prosecutor impermissibly vouched for the credibility of Houston. But this issue was already raised unsuccessfully in Milligan's brief to this court on direct appeal as part of his unsuccessful claim of prosecutorial misconduct.²⁶

Alleged errors during the evidentiary hearing

Finally, Milligan alleges that the district court committed two errors in conducting the evidentiary hearing on his instant petition.

First, Milligan called as a witness the lawyer that prosecuted Houston's civil complaint in federal court against Humboldt County and other defendants. Regarding the allegation that Deputy Sheriff Donald Fox subjected Houston to two mock executions, the witness stated, "I think Fox is the guy that . . . held the gun to Houston's head in the jail on at

²⁶Milligan, 101 Nev. at 639, 708 P.2d at 296.

least one, maybe more than one, occasion--" The State objected, arguing that the witness lacked personal knowledge. The witness stated, "Mr. Fox admitted it to me." The State then objected on the basis of hearsay, and the witness responded that it was not hearsay but an admission against interest. The district court sustained the objection.

Milligan now claims that the district court erred because the statement should have been admitted as a statement against penal interest under NRS 51.345. Milligan has not preserved this issue for appeal: although Milligan's witness raised the issue, Milligan's own counsel said nothing when the court sustained the State's objection.²⁷ Nor was there any error.²⁸ NRS 51.345(1) provides in part that a statement which, when made,

tended to subject the declarant to civil or criminal liability . . . is not inadmissible under the hearsay rule if the declarant is unavailable as a witness. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused in a criminal case is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

Under this statute, Milligan had to show that the declarant was unavailable and had to establish corroborating circumstances clearly indicating the trustworthiness of the statement. He did neither.

²⁷See Rippo, 113 Nev. at 1259, 946 P.2d at 1030 (stating that failure to object below generally precludes appellate consideration of an issue).

²⁸See NRS 178.602 ("Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court.").

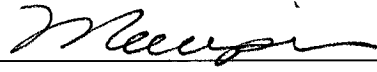
Second, Milligan contends that the district court erred when it refused to grant his motion to continue the evidentiary hearing. During the hearing, Milligan asked for a continuance, informing the court that his former codefendant Hale was unavailable to testify because he was in custody in Virginia on robbery and DUI charges. Milligan expected Hale to testify that Milligan was not present at the murder and to identify a letter in which Houston purportedly incriminated himself in the murder. Milligan's attorney admitted that earlier that year Hale was available and had refused to testify at a scheduled deposition in this case. In its written order denying the motion, the district court also noted that when Milligan first sought post-conviction relief in 1987, Hale alleged in an affidavit that Milligan was not present at the murder, Milligan's attorneys agreed to strike the affidavit from the record, and the attorneys decided not to call Hale to testify. The court ruled that Milligan had shown no good cause for failing to present Hale's testimony before.

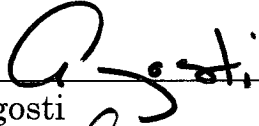
The record now before us supports the district court's ruling. It includes affidavits by Hale in 1987 and 1988 that exculpated Milligan and inculpated Houston and Bonnette. At the 1988 evidentiary hearing on Milligan's first post-conviction petition, the parties agreed to strike Hale's affidavit. One of Milligan's attorneys explained at the hearing that Hale had given them an "exculpatory" yet "equivocal" statement, but after exploring what Hale meant, they found they "could not use his testimony." Thus the court correctly found no cause for not raising this issue earlier.

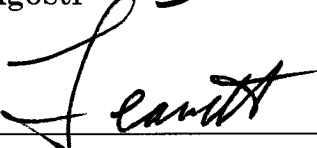
In addition to the procedural bar, we have cause to conclude that the district court acted reasonably in denying the motion to continue. Granting or denying a motion for a continuance is within the sound

discretion of the district court.²⁹ Where the purpose of the motion is to procure important witnesses and the delay is not the particular fault of counsel or the party, denying a reasonable continuance may be an abuse of discretion.³⁰ Here, the delay was not Milligan's fault, but the requested continuance was not reasonable because Milligan could not provide either a date by which Hale would be available or assurance that he would testify if available. Milligan has also not shown that Hale was an important witness, given the decision of earlier counsel not to use his testimony. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Maupin


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Dan L. Papez, District Judge
Roeser & Roeser
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk

²⁹Mulder v. State, 116 Nev. 1, 9, 992 P.2d 845, 850 (2000).

³⁰Id. at 9-10, 992 P.2d at 850.