

SUPREME COURT OF NEVADA

Samuel Howard v. State

Howard, 2021 NV 48 (Nev. 2021) · No. 81278, consolidated with 81279 · Decided September 16, 2021

SUMMARY

This is an authored, en banc opinion of the Supreme Court of Nevada in consolidated post-conviction death-penalty appeals involving Samuel Howard. The court reversed and remanded the lower-court decision.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Herndon; Justice Hardesty; Justice Parraguirre; Justice Stiglich; Justice Cadish; Justice Silver; Justice Pickering
JURISDICTION	Nevada
DECIDED	September 16, 2021
DOCKET	81278, consolidated with 81279
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated criminal post-conviction appeal involving a death-penalty case, submitted to the Supreme Court of Nevada on briefs.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; precedential
PARTIES	Samuel Howard v. State of Nevada

TOPICS

post-conviction relief appellate procedure criminal procedure appellate jurisdiction

PRACTICE AREAS

criminal procedure post-conviction relief death penalty

FACTUAL BACKGROUND

The available source identifies this as a death-penalty post-conviction matter involving Samuel Howard. It does not provide the substantive factual findings, conviction details, or post-conviction claims addressed in the opinion.

PROCEDURAL HISTORY

Samuel Howard appealed from proceedings in the Clark County Eighth Judicial District Court. The Nevada Supreme Court consolidated cases 81278 and 81279, considered the matter en banc on the briefs, and issued an opinion reversing and remanding. The remittitur issued on October 11, 2021.

DISPOSITION

reversed_and_remanded

OPINION

PER CURIAM.

81278: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 21-26895: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 81278 Short Caption:HOWARD (SAMUEL) VS. STATE (DEATH PENALTY-PC) C/W 81279Court:Supreme Court Consolidated:81278*, 81279Related Case(s):42593, 57469, 73223, 73462, 81279 Lower Court Case(s):Clark Co. - Eighth Judicial District - A780434, C053867Classification:Criminal Appeal - Death Penalty - Post-Conviction Disqualifications:Case Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: En Banc To SP/Judge:SP Status: Oral Argument:Oral Argument Location: Submission Date:09/24/2020How Submitted:On Briefs + Party Information RoleParty NameRepresented By AppellantSamuel HowardDeborah A. Czuba (Federal Defender Services of Idaho) Lance J. Hendron (Lance J. Hendron, Attorney at Law, LLC) Jonah J. Horwitz (Federal Defender Services of Idaho) Samuel Richard Rubin (Federal Defender Services of Idaho) RespondentThe State of NevadaAlexander G. Chen (Clark County District Attorney) Aaron D. Ford (Attorney General/Carson City) Jonathan VanBoskerck (Clark County District Attorney) Docket Entries DateTypeDescriptionPending?Document 06/04/2020Filing FeeAppeal Filing Fee Waived.

Criminal. (SC) 06/04/2020Notice of Appeal DocumentsFiled Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.) (SC)20-21092 06/10/2020Docketing StatementFiled Docketing Statement. (SC)20-21719

06/11/2020MotionFiled Appellant's Motion to Consolidate. (SC)20-21928 06/22/2020Transcript RequestFiled Certificate of No Transcript Request.

Nos. 81278/81279. (SC)20-23013 06/24/2020BriefFiled Appellant's Opening Brief (CORRECTED VERSION FILED ON 6/25/20). (SC) 06/25/2020BriefFiled Appellant's Opening Brief. (SC)20-23624 06/25/2020AppendixFiled Joint Appendix Volume 1. (SC)20-23625 06/25/2020AppendixFiled Joint Appendix Volume 2. (SC)20-23626 06/25/2020AppendixFiled Joint Appendix Volume 3. (SC)20-23627 06/30/2020Order/ProceduralFiled Order Granting Motions to Consolidate.

Respondent's Single Answering Brief due: July 27, 2020. Nos. 81278/81279. (SC)20-24156 07/27/2020Notice/IncomingFiled Notice of Appearance (Jonathan E. VanBoskerck). Nos. 81278/81279. (SC)20-27150 07/27/2020MotionFiled Respondent's Motion for Enlargement of Time (First Request) (Answering Brief). Nos. 81278/81279. (SC)20-27151 07/28/2020MotionFiled Appellant's Response to Motion for Extension.

Nos. 81278/81279. (SC)20-27458 08/04/2020Order/ProceduralFiled Order Granting Motion. Respondent shall have until August 26, 2020, to file and serve the answering brief. Nos. 81278/81279. (SC)20-28409 08/25/2020BriefFiled Respondent's Answering Brief. Nos. 81278/81279. (SC)20-31337 08/25/2020AppendixFiled Appendix to Answering Brief. (SC)20-31338 09/03/2020MotionFiled Appellant's Motion to Extend Time for Reply Brief (First Request)Nos.

81278/81279 (SC)20-32530 09/21/2020Order/ProceduralFiled Order Granting Motion. Appellant's reply brief due: October 26, 2020. Nos. 81278/81279 (SC)20-34618 09/24/2020BriefFiled Appellant's Reply Brief. Nos. 81278/81279 (SC)20-35139 09/24/2020Case Status UpdateBriefing Completed/Submitted For Decision. Nos. 81278/81279. (SC) 10/01/2020MotionFiled Appellant's Unopposed Motion to Expedite.

Nos. 81278/81279. (SC)20-35948 10/01/2020MotionFiled Respondent's Motion Non-Opposition to Motion to Expedite and Waiver of Oral Argument. Nos. 81278/81279 (SC)20-36072 10/02/2020MotionFiled Appellant's Reply in Support of Motion to Expedite. Nos. 81278/81279 (SC)20-36197 10/13/2020Order/ProceduralFiled Order Partially Granting Motion. Appellant has filed an unopposed motion asking that this court expedite this appeal and enter a disposition by January 23, 2021.

The motion is granted to the following extent. This court will expedite resolution of this appeal to the extent permitted by this court's docket. Nos. 81278/81279. (SC)20-37495 03/24/2021MotionFiled Appellant's Renewed Motion to Expedite. Nos. 81278/81279 (SC)21-08375 03/24/2021MotionFiled Respondent's Non-Opposition to Renewed Motion to Expedite. Nos. 81278/81279 (SC)21-08421 04/12/2021Order/ProceduralFiled Order Denying Motion.

Appellant has filed a renewed motion to expedite these appeals. This court has already agreed to expedite resolution of this appeal to the extent permitted by this court's docket. To the extent appellant requests that resolution be expedited any further, the motion is denied. Nos. 81278/81279. (SC)21-10370 09/16/2021Opinion/DispositionalFiled Authored Opinion.

"Reversed and remanded." Before the Court En Banc. Author: Herndon, J. Majority: Hardesty/Parraguirre/Stiglich/Cadish/Silver/Pickering/Herndon. 137 Nev. Adv. Opn. No. 48. En Banc. Nos. 81278/81279. (SC).21-26895 10/11/2021RemittiturIssued Remittitur. Nos. 81278/81279. (SC)21-29134 10/11/2021Case Status UpdateRemittitur Issued/Case Closed. Nos. 81278/81279. (SC) 10/19/2021RemittiturFiled Remittitur.

Received by District Court Clerk on October 12, 2021. Nos. 81278/81279. (SC)21-29134 Combined Case View