

ANGIE M. ELQUIST

2016 NOV -2 PM 1:45

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October 11, 2016

VIA E-MAIL: bpotter@puc.nv.gov

Joe Reynolds, Chairman
Public Utilities Commission of Nevada
c/o Bre Potter, Commission Secretary

Re: General Counsel Position

Dear Mr. Reynolds:

I am writing to convey my interest in the position of General Counsel for the Public Utilities Commission of Nevada (PUCN) that was found on the Nevada Human Resource Management Website. I worked with the PUCN when I interned with the Bureau of Consumer Protection (BCP), through the Attorney General's office, my third year of law school. I then worked for the BCP for two years from 2004-2006. In addition, my variety of experience in representing state and county government departments and boards makes me a suitable candidate for this position.

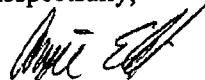
My four years as the District Attorney for Lander County included handling all civil and criminal matters for my office. There was one deputy district attorney in the office, and between the deputy and I, we divided all criminal matters equally and handled each case from start to finish. I dealt with personnel issues, budgetary issues, and collaborated with and provided legal advice and presentations to county departments and boards. I also thoroughly enjoyed working as a deputy district attorney and a deputy attorney general, in particular, representing the various boards and governmental departments. The responsibilities of these positions provided considerable professional fulfillment; therefore, working as general counsel for the PUCN will provide a working environment where I feel best suited.

My positions with the Division of Child and Family Services and the Nevada Bureau of Consumer Protection offered opportunities to work on both administrative and legislative processes. I've drafted regulations, statutes, Attorney General Opinions, and attended board meetings, workshops and administrative hearings. My experience has included providing daily legal advice on a variety of issues, through representation of state agencies, county departments, the school district, and the county hospital, with each day providing new legal issues. I've drafted and reviewed hundreds of contracts along with policies and procedures.

I am extremely organized and adapt quickly to any new learning environment. I am loyal and trustworthy with a strong work ethic. The combination of my employment history, my passion for continual learning, and my high ethical values will enable me to make a valuable contribution to the PUCN.

I believe I have extensive experience in most, if not all, of the responsibilities listed in the job description. I would greatly appreciate the opportunity to expand upon how my experience can benefit the PUCN. Thank you for your time, and I look forward to hearing from you.

Respectfully,


Angie M. Elquist

ANGIE M. ELQUIST

Telephone: [REDACTED] E-mail: [REDACTED]

EXPERIENCE

Coldwell Banker Select Real Estate, Reno, Nevada; June 2016 – Present. *Nevada Licensed Realtor.*

Law Offices of Mark Wray, Reno, Nevada; March 2015 – May 2016. *Associate Attorney:* General practice, civil litigation, business law, legal research and writing, appellate work.

Lander County District Attorney, Battle Mountain, Nevada; October 2010 – January 2015. *District Attorney:* Handled all criminal and civil matters for Lander County. Managed entire office with one deputy district attorney and three office staff. Managed a yearly budget. Handled all criminal matters, from reviewing reports to appeals. Handled all civil matters, child protective proceedings, juvenile delinquency, public administration of estates, public guardianships, personnel matters, human resources and union issues, open meeting law, ethics issues, legal counsel for all county departments and boards, county hospital, and school district, drafted and reviewed contracts, offered day-to-day legal advice and legal opinions.

Humboldt County District Attorney's Office, Winnemucca, Nevada; July 2008 – October 2010. *Deputy District Attorney:* Handled all civil matters for Humboldt County, Nevada. Worked closely with all county departments and boards, dealt with personnel matters, human resources and union issues, open meeting law, ethics issues, drafted and reviewed contracts, offered day-to-day legal advice and legal opinions.

Office of the Nevada Attorney General, Carson City, Nevada; October 2004 – July 2008. *Deputy Attorney General:* Represented the State of Nevada Division of Child and Family Services; Worked in areas of child welfare, juvenile justice, and children's mental health. Assisted with day-to-day legal advice, drafted statutory language, opinions, and regulations, worked with open meeting law, personnel issues, legislative issues, and litigation. Previously worked for the Bureau of Consumer Protection on regulatory and legislative issues pertaining to utilities; Participated in cases before the Nevada Public Utilities Commission.

Law Offices of Mark Wray, Reno, Nevada; August 2002 - October 2004. *Law Clerk/Associate Attorney:* General practice, civil litigation, business law, legal research and writing.

Legal Work While in Law School: Utility Consumers' Action Network (UCAN), San Diego, California; April 2000 - December 2000. *Legal Intern:* Consumer issues pertaining to utilities; *The Law Firm of McDonald Carano Wilson, LLP, Reno, Nevada; May 2001 - July 2001.* *Summer Law Clerk:* Legal research and writing.

Self-supporting while obtaining college degrees: 1989 - 1999. Executive assistant, office manager for insurance company (two years), gained proficiency in Microsoft, database programming and other computer programs, accounting assistant, surveyor, receptionist, restaurant hostess, cashier, cook, and waitress.

EDUCATION

California Western School of Law, ABA/AALS, San Diego, California: Juris Doctor, May 2002 *Top 26% based on class standing of 47/183.

University of Nevada, Las Vegas, Las Vegas, Nevada: Bachelor of Arts, Women's Studies, 1999 *3.9 grade point average.

University of Nevada, Reno, Reno, Nevada: Bachelor of Arts, General Studies, Emphasis in Elementary/Special Education, 1994; Studied abroad at Université de Pau, France in 1994.

OTHER CERTIFICATES/SERVICE/TRAINING

Obtained a Human Resources Representative Certificate and an Advanced Certificate, 2014.
University of Nevada, Reno (Instructor on Letter of Appointment) - Women's Studies 490, Fall 2005.
Volunteered as child attorney advocate for four years at Washoe Legal Services; Volunteered at Salvation Army Family Emergency Shelter (SAFES), Volunteer Attorneys for Rural Nevadans (VARN), and TADC/Safe Nest domestic violence shelter, worked over 300 hours at the shelter assisting with emergency protective orders, and crisis calls. Completed graduate courses in History at Boise State from 1995-1997.

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Case No. CR 10296

Dept. 2

FILED

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SADIE SULLIVAN
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LANDER

-oOo-

THE STATE OF NEVADA,

**OPPOSITION TO MOTION TO
SUPPRESS/DISMISS**

Plaintiff,

vs.

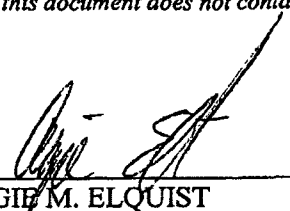
BEN FRANCIS CLARK,

Defendant.

COMES NOW, Plaintiff, the State of Nevada, by and through its attorney, ANGIE M. ELQUIST, the Lander County District Attorney, and hereby submits its Opposition to Defendant's Motion to Suppress/Dismiss ("Opposition"). This Opposition is based on the following points and authorities, the pleadings and papers on file and other such matters as the Court may deem proper.

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

DATED this 1st day of July 2014.


ANGIE M. ELQUIST
Lander County District Attorney
Nevada State Bar No. 8441

POINTS AND AUTHORITIES

I. FACTUAL HISTORY

The State adopts the facts set forth in the Preliminary Hearing Transcript, *State of Nevada v. Benny F. Clark*, January 8, 2013, filed January 30, 2013. (“Tr.”).

On the morning of June 23, 2012, at approximately 8:30 a.m., Lander County Sheriff Deputy Alex Rangel and Deputy Gary Campbell (“Deputies”) responded to a call involving a disturbance between neighbors. Tr., p. 7, ll. 16-25, p. 8, ll. 1-8.

The Deputies arrived and spoke with the reporting party for about five minutes before they went next door to make contact with Ben Clark, the Defendant (“Defendant”). *Id.* at p. 50, ll. 20-22. Before leaving to speak with Defendant, Deputy Campbell explained to the reporting party that the Deputies were unable to make the arrest themselves and only the reporting party could make a misdemeanor citizen’s arrest. *Id.* at p. 69, ll. 23-15, p. 70, ll. 1-2. The Deputies then walked next door to get the Defendant’s side of the story and investigate the complaint against him. *Id.* at p. 11, ll. 15-17, p. 22, ll. 3-4, p. 47, ll. 3-4, p. 52, ll. 12-13, p. 56, l. 20, p. 57, ll. 4-16, p. 69, ll. 2-3.

The Deputies heard loud music and a car alarm coming from the garage that was adjacent to Defendant’s residence, but did not locate the Defendant in the garage. *Id.* at p. 10, ll. 2-6, p. 46, ll. 12-15, p. 47, ll. 6-25, p. 48, ll. 1-7. Deputy Campbell noticed the backyard gate and the sliding glass door to the Defendant’s home were open, so the Deputies approached that entrance. *Id.* at p. 10, ll. 7-9, p. 47, ll. 6-12, p. 48, ll. 3-14. Deputy Campbell knocked on Defendant’s house next to the open door and Deputy Rangel knocked again on the frame of the door. *Id.* at p. 48, ll. 15-20. The Defendant came out of the hallway for what Deputy Rangel believed to be a peaceful conversation. *Id.* at p. 12, ll. 25, p. 13, ll. 1-2. Deputy Campbell heard Deputy Rangel say hello to the Defendant inside his house and then heard Deputy Rangel exclaim, “[p]ut it down. Put the gun down, or, drop it. Drop the gun.” *Id.* at p. 48, ll. 22-25, p. 49, ll. 1-4. The Defendant began to raise his loaded gun towards the Deputies, but Deputy Rangel was able to draw his weapon first, which stopped Defendant from raising it all the way. *Id.* at p. 13, ll. 8-13, p. 85, ll. 1-11.

1 At this point, both Deputy Rangel and Deputy Campbell had their duty weapons drawn
2 and pleaded with Defendant over and over for Defendant to drop his gun. *Id.* at p. 13, ll. 10-17,
3 p. 14, ll. 1-9. The Deputies informed the Defendant they were just there to talk to him and find
4 out what happened next door. *Id.* at p. 11, ll. 15-17, p. 22, ll. 3-4, p. 47, ll. 3-4, p. 52, ll. 12-13,
5 p. 56, l. 20, p. 57, ll. 4-16, p. 69, ll. 2-3. Defendant started a belligerent tirade of offensive slurs
6 directed at the Deputies while waving his loaded .357 revolver around. *Id.* at p. 14, ll. 1-18, p.
7 17, ll. 7-18, p. 49, ll. 9-10, p. 52, ll. 8-19, p. 54, ll. 11-14, p. 63, ll. 8-9, p. 85, ll. 1-11.
8 Defendant called the Deputies "cocksuckers" "keystone cops" and "the N word" *Id.* at p. 14, ll.
9 1-5, p. 17, ll. 16-18, p. 52, ll. 15-19, p. 85, ll. 1-11.

10 The Deputies begged the Defendant to drop his gun, asking him approximately 20 to 30
11 times. *Id.* at p. 13, ll. 19-21, p. 14, ll. 3-5, p. 53, ll. 15-16. The Deputies were scared and knew
12 they were in danger. *Id.* at p. 13, ll. 12-13, p. 14, ll. 21-22, p. 16, ll. 1-2, p. 54, ll. 2-6. They had
13 nowhere to hide for cover. *Id.* at p. 14, ll. 21-22. Deputy Campbell said he "100 percent"
14 believed the Defendant was going to shoot his partner. *Id.* at p. 54, ll. 2-4.

15 The Deputies were not there to arrest the Defendant. *Id.* at p. 11, ll. 15-17, p. 22, ll. 3-4,
16 p. 47, ll. 3-4, p. 52, ll. 12-13, p. 56, l. 20, p. 57, ll. 4-16, p. 69, ll. 2-3. They only wanted to talk
17 to the Defendant and investigate the complaint. *Id.* Once the Defendant began to raise his
18 loaded gun toward the Deputies and started waving it around in a threatening manner, the
19 situation became a felony crime. *Id.* at p. 13, ll. 8-13, p. 14, ll. 1-18, p. 17, ll. 7-18, p. 32, ll. 24-
20 25, p. 33, ll. 1-3, p. 35, ll. 14-15, p. 49, ll. 9-10, p. 52, ll. 8-19, p. 54, ll. 11-14, p. 63, ll. 8-9, p.
21 72, ll. 24-25, p. 73, ll. 1-3, p. 85, ll. 1-11.

22 II. LEGAL OVERVIEW

23 As the Defendant cited in, *Arterburn v. State*, 111 Nev. 1121, 901 P.2d 668 (1995):

24 Courts have acknowledged that three categories of police
25 interactions exist: (1) the "consensual encounter," which is
26 completely voluntary and for which a police officer needs no
27 justification; (2) the "detention," which is a seizure strictly
28

1 limited in length, scope and purpose, and for which a police
2 officer must have an articulable suspicion that the civilian has
3 committed or will commit a crime; and (3) the "arrest," for which
4 a police officer must have probable cause (citations omitted).

5 Defendant's argument addresses numbers two (2) and three (3) above, an alleged illegal
6 detention and an alleged illegal arrest. The detention and arrest, however, are not at issue in this
7 case. The issue in this case is number one (1) above, the consensual encounter. The issue
8 surrounds the consensual encounter between the Defendant and the Deputies. This case began
9 as a consensual encounter. Defendant's actions escalated the situation to an exigent
10 circumstance by threatening the lives of the Deputies, and a felony assault. Therefore any
11 detention or arrest thereafter were legal.

12 III. ARGUMENT

13 A. **Defendant's Motion Should Be Denied Because the Interaction Between the**
14 **Deputies and Defendant Started as a Consensual Encounter**

15 If the totality of the circumstances suggests a consensual encounter between the police
16 and citizens, all evidence obtained will be admitted and not suppressed. *Somee v. State*, 124
17 Nev. 434, 444-445, 187 P.3d 152, 159-160 (2008). A "consensual encounter is not a seizure,
18 and thus, the Fourth Amendment is not implicated." *State v. Beckman*, 305 P.3d 912, 918 (Nev.
19 2013) (citations omitted). "[M]ere police questioning does not constitute a seizure." *State v.*
20 *Lisenbee*, 116 Nev. 1124, 1127, 13 P.3d 947, 949 (2000) (citing *Florida v. Bostick*, 501 U.S.
21 429, 434, 111 S. Ct. 2382 (1991)).

22 In this case, the Deputies stated they went to the Defendant's house to get his side of the
23 story and investigate the complaint against him. Tr. at p. 11, ll. 15-17, p. 22, ll. 3-4, p. 47, ll. 3-
24 4, p. 52, ll. 12-13, p. 56, l. 20, p. 57, ll. 4-16, p. 69, ll. 2-3. The Deputies were not there to arrest
25 the Defendant, only to talk to the Defendant and investigate the complaint. *Id.* Therefore, it was
26 a consensual encounter and the Fourth Amendment was not implicated.

27 Police officers may approach a home to contact the inhabitants. *United States v. Perea-*
28 *Rey*, 680 F.3d 1179, 1187 (9th Cir. 2012). "Officers conducting a knock and talk need not

1 approach only a specific door if there are multiple doors accessible to the public.” *Id.* at 1188
2 (citing *United States v. Titemore*, 335 F. Supp. 2d 502, 505-506 (D. Vt. 2004)). Deputy
3 Campbell saw both the backyard gate and the sliding glass door open and went to the
4 Defendant’s open back door to have a consensual encounter with the Defendant. Tr. at p. 10, ll.
5 7-9, p. 47, ll. 6-12, p. 48, ll. 3-14. See also *U.S. v. Hendrix*, 664 F.3d 1334 (10th Cir. 2011)
6 (police officer’s “knock and talk” investigation and speaking to occupants of a residence while
7 standing outside a closed door to the residence, did not contravene Fourth Amendment, even
8 absent reasonable suspicion or probable cause); *U.S. v. Thomas*, 430 F.3d 274 (6th Cir. 2005)
9 (the court found that the officers’ use of the rear door to contact the defendant was not
10 unreasonable under the circumstances because the back door, which opened onto a deck, was
11 adjacent to the driveway and clearly served as the customary entrance to the defendant’s home);
12 *U.S. v. Titemore*, 335 F. Supp. 2d 502 (D. Vt. 2004) (a state trooper lawfully approached the
13 defendant’s residence at an unenclosed sliding porch door on the side of the house that was not
14 accessible from a walkway to make a knock and talk visit in order to investigate a neighbor’s
15 complaint of vandalism and theft).

16 The initial encounter started off pleasant with Deputy Rangel and the Defendant saying
17 hello to one another. Tr. at p. 12, ll. 25, p. 13, ll. 1-2, p. 48, ll. 22-25, p. 49, ll. 1-4. Once the
18 Defendant grabbed his loaded gun, began to raise it toward the Deputies and walked toward
19 them waving the gun around in a threatening manner, the consensual encounter changed. *Id.* at
20 p. 13, ll. 8-13, p. 14, ll. 1-18, p. 17, ll. 7-18, p. 32, ll. 24-25, p. 33, ll. 1-3, p. 35, ll. 14-15, p. 49,
21 ll. 9-10, p. 52, ll. 8-19, p. 54, ll. 11-14, p. 63, ll. 8-9, p. 72, ll. 24-25, p. 73, ll. 1-3, p. 85, ll. 1-11.

22 The Deputies informed the Defendant that they were only there to talk to him and find
23 out what happened next door. *Id.* at p. 11, ll. 15-17, p. 22, ll. 3-4, p. 47, ll. 3-4, p. 52, ll. 12-13,
24 p. 56, l. 20, p. 57, ll. 4-16, p. 69, ll. 2-3. Defendant could have simply refused to talk to them
25 and closed his sliding glass door, but instead he grabbed his loaded gun, began to raise it up
26 toward the Deputies, and started a belligerent tirade of offensive slurs while waving his loaded
27 .357 revolver around. *Id.* at p. 13, ll. 8-13, p. 14, ll. 1-18, p. 17, ll. 7-18, p. 49, ll. 9-10, p. 52, ll.
28 8-19, p. 54, ll. 11-14, p. 63, ll. 8-9, p. 85, ll. 1-11.

1 Whether a knock and talk violates an individual's Fourth Amendment rights is not based
2 upon the good faith belief of police officers. *United States v. Garcia*, 997 F.2d 1273, 1279-1280
3 (9th 1993). "In reviewing police action . . . the touchstone of the Fourth Amendment analysis
4 must always be that of reasonableness." *State v. Lisenbee*, 116 Nev. 1124, 1128, 13 P.3d 947,
5 950 (2000) (citations omitted). It was reasonable for the Deputies to go through an open
6 backyard gate to an open sliding glass door to have a consensual encounter with the Defendant.

7 Because the Deputies made contact with Defendant as a consensual encounter, and
8 Defendant's actions led to a felony assault, any warrantless detention or arrest was justified.
9 Therefore, the Fourth Amendment is not implicated, and the evidence should not be suppressed.

10 **B. Defendant's Motion Should Be Denied Because the Interaction Between the**
11 **Deputies and Defendant Escalated to an Exigent Circumstance When the**
12 **Defendant Threatened the Safety of the Deputies**

13 "Warrantless home entries . . . are presumptively unreasonable unless justified . . . such as
14 when exigent circumstances exist." *See Camacho v. State*, 119 Nev. 395, 400, 75 P.3d 370, 374
15 (2003); *Hannon v. State*, 125 Nev. 142, 145, 207 P.3d 344, 346 (2009). When reviewing if an
16 exigent circumstance exists, a law enforcement officer's subjective motivation is irrelevant.
17 *Hannon*, at 146, 347 (citations omitted). "In reviewing police action . . . the touchstone of the
18 Fourth Amendment analysis must always be that of reasonableness." *Lisenbee*, at 1128, 950
19 (citations omitted).

20 Once the Defendant brought out his loaded gun, started to raise it toward the Deputies,
21 and waved it around in a threatening manner, the consensual encounter changed. Tr. at p. 13, ll.
22 8-13, p. 32, ll. 24-25, p. 33, ll. 1-3, p. 35, ll. 14-15, p. 54, ll. 11-14, p. 72, ll. 24-25, p. 73, ll. 1-3,
23 p. 85, ll. 1-11. Now the lives of the Deputies were threatened and they were in danger. *Id.*
24 Deputy Campbell 100 percent believed the Defendant was going to shoot his partner. *Id.* at p.
25 54, ll. 2-4. Any reasonable police officer would have reacted to the threat in front of them in the
26 same way. The Defendant created an exigent circumstance when he threatened the lives of the
27 Deputies.

28 "The *Fourth Amendment* does not require police officers to delay in the course of an

1 investigation if to do so would gravely endanger their lives or lives of others." *United States v.*
2 *Flippin*, 924 F.2d 163, 166 (9th Cir. 1991) (citing *Warden v. Hayden*, 387 U.S. 294, 298-99, 18
3 L. Ed. 2d 782, 87 S. Ct. 1642 (1967)). "Police must be allowed to protect themselves before a
4 potential threat of danger develops into a tragedy." *Id*; See also *State v. Hillman*, 417 S.W.3d
5 239 (Mo. 2013) (exigent circumstances existed if the time needed to obtain a warrant would
6 endanger life); *United States v. Butler*, 405 Fed. Appx. 652 (3rd Cir. 2010) (not
7 precedential) (exigent circumstances existed because an officer's life and the lives of his fellow
8 officers were in danger when they conducted a "knock and talk" at an apartment's front door,
9 and the defendant opened the door slightly and pointed a gun at an officer); *Waddy v. State*, 880
10 S.W.2d 458 (Tex. App. 1994) (the warrantless arrest was proper when a police officer saw the
11 suspect running with a gun in his hand and he arrested him inside the suspect's apartment
12 because the exigent circumstance of a threat to the public existed); *United States v. Thomas*, 372
13 F.3d 1173(10th Cir. 2004) (the warrantless entry was justified when defendant was holding a gun
14 and ran down a hallway because the officer had reasonable fear to ensure the officer's safety and
15 the safety of others).

16 Because the Defendant created the exigent circumstance of putting the Deputies' lives in
17 danger, any warrantless detention or arrest was justified. Therefore, the Fourth Amendment is
18 not implicated, and the evidence should not be suppressed.

19 **C. Defendant's Motion Should Be Denied Because Defendant's Felony Assault**
20 **Upon the Deputies Allowed for Any Warrantless Detention and Arrest**

21 Nevada Revised Statutes 171.124(1) allows an arrest by a peace officer without a warrant
22 when a person has committed or attempted to commit a public offense in the officer's presence
23 or when a person commits a felony or gross misdemeanor. In this case, once the Defendant
24 grabbed his loaded gun, began to raise it toward the Deputies, and started waving it around in a
25 threatening manner in front of the Deputies, it became a felony assault upon the Deputies. Tr. at
26 p. 13, ll. 8-13, p. 14, ll. 1-18, p. 17, ll. 7-18, p. 32, ll. 24-25, p. 33, ll. 1-3, p. 35, ll. 14-15, p. 49,
27 ll. 9-10, p. 52, ll. 8-19, p. 54, ll. 11-14, p. 63, ll. 8-9, p. 72, ll. 24-25, p. 73, ll. 1-3, p. 85, ll. 1-11.

28 Because the Defendant committed felony assault upon the Deputies, any warrantless

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detention or arrest was justified. Therefore, the Fourth Amendment is not implicated, and the evidence should not be suppressed.

D. The Defendant's Argument About the Defendant's Right to Bear Arms in His Home is Not At Issue in This Case

The issue of the right of the Defendant to bear arms in his home is not at issue in this case. Yes, the Deputies agreed the Defendant had a right to have a gun in his home. Tr. at p. 34, ll. 18-20, p. 64, ll. 6-9. The argument here is that the Defendant does not have the right to commit felony assault upon police officers when they come to his door for a consensual encounter. The United State Supreme Court has stated that even the Second Amendment right to bear arms has some limitations. See *Dist. of Columbia v. Heller*, 554 U.S. 570, 595, 128 S. Ct. 2783, 2799 (2008). "There seems to us no doubt . . . that the *Second Amendment* conferred an individual right to keep and bear arms. Of course the right was not unlimited . . . we do not read the *Second Amendment* to protect the right of citizens to carry arms for *any sort of* confrontation . . ." *Heller*, at 595, 2799. "The *Second Amendment* plainly does not protect the right to use a gun to rob a bank . . ." *Id.* at 636, 2822 (Stevens, J., dissenting).

The Defendant has every right to have a gun in his home. He does not, however, have the right to use that gun to threaten the lives of the Deputies and commit felony assault.

E. With Regard to Defendant's Arguments About the Information Upon Affidavit, The State Reserves Its Arguments Contained in This Opposition; Contained in Its Motion for Leave of Court to File an Amended Information Upon Affidavit; and Contained in Its Reply to Defendant's Opposition to Motion for Leave of Court to File an Amended Information Upon Affidavit

As far as any arguments by the Defendant regarding the Information Upon Affidavit, and the Court ruling in favor of the State, the State reserves its arguments contained in this Opposition; contained in its Motion for Leave of Court to File an Amended Information Upon Affidavit, filed on February 11, 2013; and contained in its Reply to Defendant's Opposition to Motion For Leave of Court to file an Amended Information Upon Affidavit, filed on February 22, 2013.

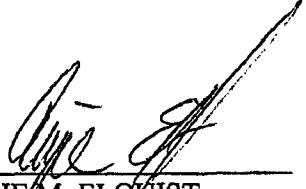
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IV. CONCLUSION

Based upon the arguments set forth above, the State respectfully requests that Defendant's Motion be denied.

DATED this 12th day of July 2014.



ANGIE M. ELQUIST
Lander County District Attorney
Nevada State Bar No. 8441

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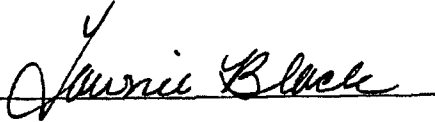
CERTIFICATE OF SERVICE

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I certify that I am an employee of the Lander County District Attorney's Office, and that on this 1st day of July 2014, I provided a copy (by means as indicated) of the OPPOSITION TO MOTION TO SUPPRESS/DISMISS to the following:

Larry Dunn and Karena Dunn
1188 California Avenue
P.O. Box 2911
Reno, Nevada 89505
Fax: (775) 322-6088

- U.S. Mail
- Hand-delivered
- Via fax
- Certified Mail



PETER K. KEEGAN, ESQ.

DIRECT: [REDACTED]

October 21, 2016

VIA EMAIL [BPotter@puc.nv.gov]

Joe Reynolds, Chairman
Public Utilities Commission of Nevada
C/O Bre Potter, Commission Secretary
BPotter@puc.nv.gov

Re: General Counsel Position – Public Utilities Commission

Greetings, Chairman Joe Reynolds:

I am a strong candidate for this position because I have successfully managed high volume litigation practice, in both state and federal courts, since April of 2011. My legal experience includes relevant practice representing Nevada administrative bodies to ensure compliance with Nevada Revised Statutes (“NRS”) 233B, NRS 241, and NRS 333. Over the course of my practice I have developed a respected leadership style, which allows me to build professional rapport amongst colleagues, maximize individual talents, and achieve optimum productivity.

I have served Nevada as a Deputy Attorney General (“DAG”) since January of 2014. Upon joining the Attorney General’s Office, I worked in the Litigation Division and provided defense counsel to the Nevada Department of Corrections. As a DAG in the Litigation Division I was responsible for cases ranging from small claims trials and state district court appeals, to federal jury trials and appeals to the Ninth Circuit.

In August of 2015, I began representing the Department of Taxation and the Department of Business and Industry. In my current position, I serve as counsel for the Real Estate Division, Manufactured Housing Division, Appraisal Commission, Board for the Regulation of Liquefied Petroleum Gas, Board for Professional Engineers and Land Surveyors, Division of Industrial Relations, and the Domestic Violence Batterer’s Treatment Certification Committee. My duties also include providing open meeting law counsel to the Board of Medical Examiners and the Board of Veterinary Examiners. In my current position, I have assisted with regulatory amendments, authored Attorney General Opinions and Open Meeting Law Opinions, and I am often called upon to provide litigation support to my colleagues in different divisions within the Office.

My leadership and litigation abilities stem from my time in private practice with RCO Hawaii L.L.L.C. (“RCO”), a national real estate law firm. At RCO, I was the lead judicial foreclosure attorney and supervised a team of over twenty staff members, including attorneys, paralegals, and legal assistants. At RCO, I prepared staff for and participated in on-site federal regulatory audits. A professional highlight of my employment at RCO, was my successful writ of certiorari in the case *Deutsche Bank National Trust Company v. Peelua*, 126 Haw. 32, 265 P.3d 1128 (2011), which resulted in a published opinion in favor of our client.

I look forward to an opportunity to meet with the members of the Public Utilities Commission to discuss how I will fulfill the role of General Counsel.

Respectfully,

Peter K. Keegan, Esq.
NV Bar # 12237

Peter K. Keegan, Esq.

Education

Vermont Law School, South Royalton, Vermont

Juris Doctor, May 2009

- Research: *Interstate Water Markets...Bank On It.*

California Polytechnic State University, San Luis Obispo, California

Bachelor of Arts, Political Science, June 2006

- Minor, Environmental Science, June 2006

Columbia University's Biosphere 2, Oracle, Arizona

Environmental Science Certificate, August - December 2003

- Drafted grant proposal for California interstate beverage container recycling

Legal Experience

Nevada Attorney General's Office, Carson City, Nevada

Deputy Attorney General, January 2014 – Present

- Served as counsel for a variety of Nevada administrative bodies, prosecuted administrative cases, defended petitions for judicial review, provided open meeting law counsel, and supported high profile litigation Office wide. Served as civil defense counsel for the Nevada Department of Corrections in all actions brought against the State of Nevada in federal and state courts; appeared for appeals, trials, depositions, motions, settlement conferences, and mediations.

RCO Legal, P.S., Honolulu, Hawaii & Reno, Nevada

Lead Attorney, April 2011 - January 2014

- Served as plaintiff's counsel for institutional lenders and servicers in high volume of judicial foreclosure practice involving component bankruptcy and probate matters; managed over 20 support staff and supervised four attorneys; oversaw client communications; resolved complex issues of title; mitigated loss while mediating cases in compliance with both state and federal homeowner protection laws; and developed firm-wide case processing strategies.

Third Circuit Court of Hawaii, Fourth Division, Kealahou, Hawaii

Judicial Law Clerk and Bailiff for the Honorable Judge Elizabeth A. Strance, October 2010 - April 2011

- Managed the court's calendar; supervised jury trials from jury pool generation to panel payment; instructed the jury clerk, court clerk and judicial assistant regarding trial preparations; provided the judge with thorough analyses and proposed dispositions to secure the just, speedy and inexpensive determination of both civil and criminal actions taken under advisement; and coordinated courtroom security including the taking into custody of criminal defendants.

Third Judicial District of Nevada, Lyon and Churchill County, Nevada

Judicial Law Clerk and Bailiff for the Honorable Judge Leon A. Aberasturi, August 2009 - August 2010

- Drafted orders for judge's signature; composed memoranda dissecting legal theories and proposing judicial action; scrutinized civil and criminal filings for procedural compliance to assist in efficient disposition; developed standardized forms adopted by the court for family law proceedings; and managed hearings and jury trials as bailiff.

United Space Alliance, LLC, Kennedy Space Center, Cape Canaveral, Florida

Regulatory Compliance Intern, May - August 2008

- Performed regulatory audits of hazardous waste management for certification, conducted due diligence of potential treatment and disposal contractors, compiled risk assessment for asbestos abatement on shuttle launch pad during flame trench repair, and advised on procurement plan for U.S.D.A.'s Biopreferred Federal Acquisition Regulation.

Nevada State Attorney General's Office, Government and Natural Resources Division, Carson City, Nevada

Law Clerk, May - August 2007

- Prepared legal memoranda including: a preliminary injunction against the U.S. Dept. of Energy for violating its Yucca Mountain water permit, a legislative update of Nevada's mortgage income verification laws under the Home Mortgage Disclosure Act, and an inter-basin water transfer by the Walker River Paiute Indian Tribe.


Friends of the Earth International Environmental Organization, Brussels, Belgium

Research Associate, June - December 2004

- Managed five research interns; compiled reports on ratification of international law agreements for the "Earth Charter" Commission Update; and organized roundtable negotiations between E.U. member states for the U.N.

Leisure Pursuits

- Backpacking, chess, cycling, parenting, reading, skiing, swimming, surfing, triathlons, volunteering, water polo


October 16, 2016

by e-mail only bpotter@puc.nv.gov

Joe Reynolds
Chairman
Public Utilities Commission of Nevada
1150 East William Street
Carson City, Nevada 89701

Dear Chairman Reynolds:

I write to apply for the position of General Counsel within the Public Utilities Commission of Nevada. My resume is attached. I also attach a writing sample from text I prepared alone for a continuing legal education seminar on the law of evidence at which I spoke. I am admitted to practice law in Nevada and federal courts within Nevada. I heard about this position via the Washoe County Bar Association's periodic newsletter, *The Writ*.

As you can see from my resume, I have extensive experience already as an attorney within the Public Utilities Commission of Nevada. I was Administrative Attorney for Commissioner Galen D. Denio, who was formerly manager of the regulatory staff's engineering division. As Administrative Attorney, I advised and counseled Commissioner Denio on administrative law and procedure and on matters pertaining to the commission. Among my duties, I drafted hearing notices, drafted tentative rulings on motions and procedural issues, counseled and advised the commissioner on legal issues at hearings, counseled and advised the commissioner on findings of fact and conclusions of law to present for a vote of the commission, and drafted proposed orders and opinions for a vote of the commission. This position required on my part extensive legal and practical knowledge of administrative law, as Commissioner Denio was not an attorney and, as you know, the record on any appeal consisted of the proceedings before the commission. To my knowledge, none of the dozens of orders or opinions I drafted was challenged on or the subject of judicial review.

I also possess extensive experience in civil litigation practice in Nevada. Over the years, I have maintained a civil case load and have litigated hundreds of cases from inception to final judgment. On those cases, I often represented an insurer either as an indemnitor or a party. These cases typically concerned personal injury, wrongful death, consumer or commercial disputes, property damage, subrogation, or insurance coverage. I worked independently and was responsible for formulating and conducting all legal evaluations and strategy and discovery and for representing the clients at depositions, hearings, mediations, arbitrations, trials, and appeals. I have won dozens of cases, many on motion but also some after arbitration, trial, or appeal. I have had particular success in my motion and appellate practice. One of the cases I won before the Supreme Court of Nevada, after my briefing and oral argument before the court, is reflected in a published opinion. 128 Nev. Adv. Op. No. 39, 282 P.3d 733 (2012).

I have been recognized for my abilities. Upon invitation, I have been a speaker at continuing legal education seminars on legal writing, uninsured and underinsured motorist coverage law, insurance coverage litigation, post-verdict civil practice, and evidence law. For all these seminars, I prepared extensive written material. I am scheduled to speak later this year at a seminar on Nevada civil litigation practice. I have been a mediator in the Nevada Foreclosure Mediation Program and have mediated numerous mortgage defaults to final resolution. I have also been an arbitrator in the Nevada court-

Joe Reynolds, Chairman
October 16, 2016
Page 2

annexed arbitration program and the Better Business Bureau Auto Line arbitration program for warranty disputes between new vehicle purchasers and manufacturers.

I have in every respect the record of a capable and honest attorney, with no negative background whatsoever, and seek to apply for this position with the most transparency possible. To that end, I enclose with this correspondence the application I completed, *sworn under oath to the State Bar of Nevada*, to become an arbitrator in the court-annexed arbitration system in Nevada. That application process requires a background check conducted by the State Bar of Nevada before swearing in by the Supreme Court of Nevada. I was sworn without incident or delay. The application shows my professional history on the last page.

As you can see, I have had unfortunate experiences with certain past employers. In one position, at Perry & Spann, P.C., my employment was terminated because I did not bill over 200 hours per month every month and spend enough time promoting the firm and no other reason (although my billing average was 195 hours per month my last calendar year and my bills were paid nearly one-hundred percent during that period as I actually worked the time I billed). In another position, at Hamilton & McMahon, Ltd., my employment was terminated for no reason given despite my repeated requests for a reason (and despite the facts that I won most of the cases won by that firm during my years there and successfully eliminated a large file backlog left by a prior attorney).

It is difficult for me to account for this behavior toward me other than to point out that at both offices I was smart and professional and not corrupt or obsequious. I worked quietly and independently, won dozens of cases, and my work product was sophisticated. I can assure you that I am aware of no fact given to me, or that could account for, these terminations of my employment other than those stated here—I *have sworn as much under oath to the State Bar and the Supreme Court*. I have been a capable and ethical attorney at all times. All statements in this cover letter, my resume, and my arbitrator application are true without reservation. My sworn statement attests to my background in the broadest way possible. I have omitted nothing. I have no negative background whatsoever, personally or professionally. In attaching the application, it is not my intention to be critical or judgmental about past employers but only to be certain that there are no misunderstandings about my abilities or background or character. Finally, my experience with Commissioner Denio was positive in every respect, and I enjoyed thoroughly working with him and for him.

I have a long record of success in civil and administrative law practice and a skill for abstract legal analysis that I know would be ideal for this position. I would be pleased to meet with you and the other commissioners to discuss practice within the commission. I have in every respect the record of an honest, capable attorney and would welcome the opportunity to discuss my background, experience, and accomplishments. Thank you for considering my application.

Sincerely,

Mark T. Liapis

MARK T. LIAPIS



PROFESSIONAL

Licensed to practice law: 1989, Ohio; 1991, Nevada; 1992, California;
1997, U.S. District Court, District of Nevada; 1998, U.S. Court of Appeals,
Ninth Circuit.

Lecturer, Continuing Legal Education, National Business Institute, Inc.

Mediator, Nevada Foreclosure Mediation Program.

Arbitrator, Nevada Court Annexed Arbitration Program.

Arbitrator, BBB Auto Line Arbitration Program

EXPERIENCE

2008-present PRIVATE PRACTICE Reno, NV

Contract Attorney

Civil litigation.

Review and evaluate files for litigation strategy and advise accordingly.

Draft documents upon review and evaluation of files.

Advise and counsel clients and insurers as necessary.

Appear and litigate upon scheduling conflict.

2005-2007 HAMILTON & MCMAHON, LTD. Reno, NV

Attorney

Civil litigation.

Maintain defense practice caseload.

- . Advise and counsel clients and insurers
- . Draft pleadings
- . Retain, consult, and prepare expert witnesses
- . Depose parties and witnesses
- . Conduct discovery in addition to depositions
- . Prepare and argue procedural and dispositive motions and petitions
- . Represent clients at mediation and settlement conferences
- . Try cases at administrative level, arbitration, and trial
- . Practice before appellate courts.

2003 - 2005 *Of Counsel*
Civil litigation.
Duties like contract attorney as above.

