State of Nevada

Executive Department

Executive Order 2016-31

DESIGNATING THE HONORABLE JANET J. BERRY TO SIT IN CHARLES LEE RANDOLPH V. THE STATE OF NEVADA (DEATH PENALTY)

WHEREAS, it has been made to appear before me by formal request and statement from the Honorable Ron D. Parraguirre, Chief Justice of the Nevada Supreme Court;

WHEREAS, the Chief Justice and Associate Justices of the Nevada Supreme Court have voluntarily recused themselves to sit in the case named below;

WHEREAS, it is desirable that such causes be submitted for consideration and decision before a full panel of the Nevada Supreme Court;

WHEREAS, Article 6, Section 4, Subsection 2 of the Nevada Constitution provides: "In case of the disability or disqualification, for any cause, of a justice of the Supreme Court, the Governor may designate a judge of the court of appeals or a district judge to sit in the place of the disqualified or disabled justice. The judge designated by the Governor is entitled to receive his actual expense of travel and otherwise while sitting in the Supreme Court"; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."

NOW, THEREFORE, by the authority vested in me as the Governor by the Constitution and laws of the State of Nevada, it is hereby ordered as follows:

1. The Honorable Janet J. Berry, a District Judge of the Second Judicial District Court of the State of Nevada, is hereby designated to sit in the following cause of action: Charles Lee Randolph v. The State Of Nevada (Death Penalty), Case No. 57959;

2. Judge Berry is further designated to hear and act in respect to said cause and matter, and the matters properly connected therewith until a decision therein has been finally reached; and

3. Judge Berry is authorized to discharge according to law the duties of said office and enjoy the same together with all the powers and privileges thereunder appertaining until said causes be finally decided and determined by the Nevada Supreme Court.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 15th day of September, in the year two thousand sixteen.

Governor of the State of Nevada

By the Governor:

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State