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JUL 26 2002  
BY JAMIE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONTE JOHNSON,

Appellant,

Appeal No. 36991

vs.

THE STATE OF NEVADA,

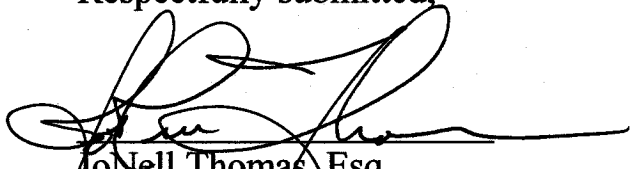
Respondent.

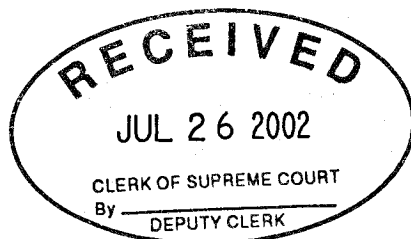
MOTION OF NEVADA ATTORNEYS FOR CRIMINAL JUSTICE  
FOR LEAVE TO FILE AMICUS CURIAE BRIEF

The Nevada Attorneys for Criminal Justice, by and through its attorney JoNell Thomas, hereby moves, pursuant to Rules 2 and 28 of the Nevada Rules of Appellate Procedure, for leave to appear as amicus curiae and to file the accompanying Amicus Curiae Brief. This motion is based upon the attached memorandum of points and authorities and the brief submitted to the clerk in conjunction with this motion.

Dated this 23<sup>rd</sup> day of July, 2002.

Respectfully submitted,

  
JoNell Thomas, Esq.  
Nevada Bar No. 4771  
616 South 8th Street  
(702) 471-6565  
Counsel for Proposed Amicus Curiae



02-12892

1 Points and Authorities

2 1. Interest of Amicus Curiae

3 The Nevada Attorneys for Criminal Justice is a voluntary organization whose  
4 members are attorneys who defend people accused of violating criminal laws.  
5 NACJ's members believe that both the criminal justice system and the ideal of justice  
6 are enhanced by the considered and fair application of statutory and constitutional  
7 principles to every criminal proceeding. NACJ's members believe that the issues  
8 presented in this matter are of great importance to the citizens of this state and that the  
9 impact of this Court's decision in this matter will go far beyond Mr. Johnson and the  
10 individual concerns presented by this case. Because this Court's decision will impact  
11 other cases and Nevada's three-judge panel system for capital cases, we submit that  
12 involvement by amicus curiae is warranted.

13 2. Necessity of Involvement of an Amicus Curiae

14 Involvement of an amicus curiae in this important case is justified for a number  
15 of reasons. This appeal appears to present an issue of first impression in this state.  
16 It does not appear that this Court has addressed the constitutionality of Nevada's  
17 three-judge panel system in light of the United States Supreme Court's decision in  
18 Ring v. Arizona, \_\_\_ U.S. \_\_\_ (2002). This Court's ruling in this matter could have  
19 a significant impact on a large number of criminal cases and its holding may go far  
20 beyond the individual concerns relevant to this case. This is not a dispute that is  
21 limited to the parties appearing before the Court, but instead involves the interests of  
22 many criminal proceedings within the state. In addition, critical issues of public policy  
23 will be decided. For each of these reasons, it is appropriate for Amicus to appear.

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1           3.     Substantiality of Issues

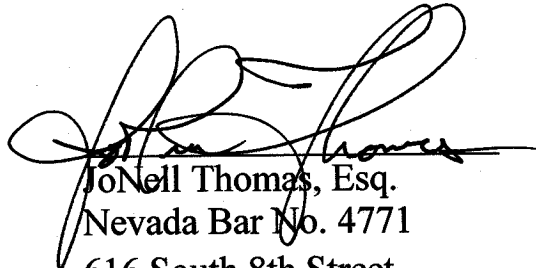
2           The necessity of involvement of an amicus curiae is not based merely upon  
3 abstract policy considerations but arises from the substantial nature of the  
4 constitutional and statutory issues presented in this case.

5           4.     Conclusion

6           The Nevada Attorneys for Criminal Justice respectfully submits that this Court  
7 should grant leave to file the accompanying Brief and permit participation by amicus  
8 curiae.

9                     Dated this 23<sup>rd</sup> day of July, 2002.

10                                     Respectfully submitted,

11                                       
12                                     Jo Nell Thomas, Esq.  
13                                     Nevada Bar No. 4771

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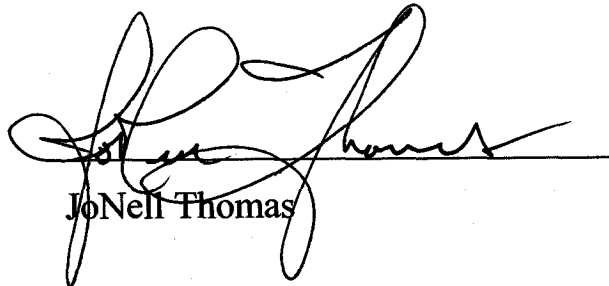
CERTIFICATE OF SERVICE

The undersigned hereby certifies pursuant to NRAP 25, that on this 23<sup>rd</sup> day of July, 2002, she deposited for mailing in the United States mail, postage prepaid, a true and correct copy of the foregoing **Motion for Leave to File Amicus Curiae Brief**, addressed to counsel as follows:

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