

Office of the Special Public Defender

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November 23, 2020

Nevada Supreme Court

Attn: Elizabeth A. Brown, Clerk of the Supreme Court

201 South Carson Street

Carson City, Nevada 89701

Re: ADKT 491, December 2, 2020

Dear Justices of the Nevada Supreme Court and Ms. Brown,

These written comments are presented by Clark County Public Defender Darin Imlay and Clark County Special Public Defender JoNell Thomas, both of whom served as members of the Commission on Statewide Rules of Criminal Procedure.


We were honored to have participated on the Committee and appreciate the admirable effort made by Committee members in drafting uniform rules for criminal cases for the district courts. Doing so was especially admirable in light of conditions created by the pandemic. Each of the Committee members devoted substantial time and effort into this initial set of rules.

As reflected by the minutes, we took a different position than the majority of the Committee on several proposed rules. We stand by our comments made during the meetings. We also join in the well-reasoned and thoughtful response submitted in this matter by the Nevada Attorneys for Criminal Justice.

We remain especially concerned about Rule 4, Initial Appearance and Arraignment. The time period of 11 judicial days, from the date of transmission of the record from justice court to district court, is excessive. This time period greatly exceeds that which is necessary and does not place value on the defendant's constitutional rights. It is often the fact that defendants are released from custody at this proceeding, particularly if a plea is entered. By waiting weeks for

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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

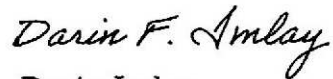


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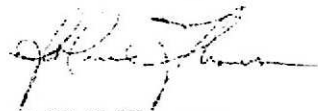
this proceeding, an in-custody defendant will likely lose his or her job, housing, and ability to be a productive member of our community. Family relationships are likewise at risk. Community goals of reducing jail occupancy and the costs of confinement are also thwarted by allowing such a lengthy period for the initial appearance. Again, we join in the additional thoughtful comments of the Nevada Attorneys for Criminal Justice on this issue.

Please accept this as our notice that we intend to participate in the public hearing on this matter on December 2, 2020 at 2:00 p.m.

Thank you for your consideration of these comments. Please let us know if you have any questions or require any additional information.



Darin Imlay
Clark County Public Defender



JoNell Thomas
Clark County Special Public Defender

JT:kf