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Case No. 70587

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1 for October 27, 2015 and jury trial for November 2, 2015. Id. at 420. The
2 court later reset jury trial to January 25, 2016. AA II 425-26, 441.
3
4 Eventually, the parties agreed to continue the trial to March 21, 2016. Id. at
5 495.

6
7 Trial began on March 21, 2016 and concluded on March 25th. See AA
8 III 508; AA VI 1408. The jury convicted Lofthouse of all charges. AA II
9 265-68. At Lofthouse's sentencing hearing the Court ordered certain counts
10 to run concurrent and others to run consecutive and imposed a total sentence
11 of 72 to 180 months in prison. AA VI 1445-49. The Court filed the
12 Judgment of Conviction ("JOC") on May 20, 2016. AA II 380.
13
14

15 On May 26, 2016 Lofthouse's trial attorneys moved to withdraw. AA
16 II 383. The district court granted the request on June 9, 2016 and appointed
17 the Clark County Public Defender to represent Lofthouse. Id. at 391-92.
18 That same day Lofthouse filed a proper person Notice of Appeal. Id. at 389-
19 90. On July 13, 2017, upon limited remand from this Court, the district
20 court modified Lofthouse's sentence to remove lifetime supervision but also
21 illegally increased Lofthouse's maximum sentence to 228 months. AA VII
22 1588.
23
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26 Lofthouse filed his Opening Brief on September 29, 2017. The State
27 filed its Answering Brief on February 5, 2018. Lofthouse filed his Reply
28 Brief on April 9, 2018. This Court entertained oral argument in Lofthouse's

1 case on October 1, 2018. Since briefing has been completed, approximately
2 770 days have passed. Since oral argument in Lofthouse's case,
3
4 approximately 597 days have passed. Lofthouse has been housed at High
5 Desert State Prison in Indian Springs, Nevada, since his conviction.

6 7 ARGUMENT

8 I. This Court has the Authority to Grant Bail in Lofthouse's 9 case.

10 All applications for relief in this Court must be made by motion.
11 Nevada Rule of Appellate Procedure 27(a)(1) ("NRAP"). NRAP 8(e) states
12 that, "[a]dmission to bail shall be as provided in NRS 178.4873 through
13 178.488." Pursuant to NRS 178.488(3), "[p]ending appeal or certiorari to
14 the appellate court of competent jurisdiction pursuant to the rules fixed by
15 the Supreme Court pursuant to Section 4 of Article 6 of the Nevada
16 Constitution, bail may be allowed by the district court or any judge thereof,
17 by the Court of Appeals or any judge thereof or by the Supreme Court or
18 a justice thereof."

22 A. Lofthouse is a Good Candidate for Release on Bail 23 Pending Resolution of His Appeal.

24
25 In deciding whether to grant an appellant bail pending appeal, this
26 Court considers whether the appeal is "frivolous or taken for delay, or of
27 whether the applicant's release on bail would pose a danger to the
28 community or a risk of flight." Bergna v. State, 120 Nev. 869, 874 (2004).

1 Moreover, the Court considers “the nature and quality of the evidence
2 adduced at trial and the circumstances of the offense are highly relevant
3 considerations in evaluating these factors.” Id. at 877. Additionally,
4 “evaluation of these concerns may encompass a wide range of information,
5 including the applicant’s prior criminal record, attempted escapes from
6 confinement, community associations, and employment status.” Id.

9
10 *1. Lofthouse’s appeal is not frivolous nor taken
for delay.*

11 Here, Lofthouse’s appeal is not frivolous. Rather, Lofthouse’s appeal
12 presents numerous legitimate issues, some which are issues of first
13 impression and are issues of statewide public importance. Additionally,
14 Lofthouse’s appeal asserts numerous district court and prosecutorial errors
15 which violated Lofthouse’s fundamental right to a fair trial. Indeed, this
16 Court would not have entertained oral argument in Lofthouse’s case had it
17 believed his appeal was frivolous.

21 Similarly, Lofthouse’s appeal was not “taken for delay.” Lofthouse is
22 currently serving a 6 to 19-year sentence in the Nevada Department of
23 Corrections for engaging in a consensual sexual relationship with a 17-year-
24 old student. But for Lofthouse’s status as the alleged victim’s teacher, he
25 committed no crime. Additionally, given the length of time this Court has
26 had Lofthouse’s case under submission, it could hardly be said that
27 Lofthouse files the instant Motion seeking to delay resolution of his appeal.
28

2. *Lofthouse does not pose a danger to the community nor a flight risk should he be released pending resolution of his appeal.*

The State alleged that Lofthouse, a history teacher at Rancho High School, engaged in sexual conduct with his student M.T. both at Rancho High School and at two Hotels in Las Vegas, Nevada. The jury convicted Lofthouse for ten (10) counts of Sexual Conduct between Certain Employees or Volunteers of School and Pupil and two (2) counts of First-Degree Kidnapping. The district court sentenced Lofthouse to 6 to 19 years in prison.

M.T. was 17 years old at the time of the offenses and accordingly, could legally consent to engage in sexual conduct with another person. See NRS 200.364(6). Lofthouse's actions with M.T. only became "criminal" based upon his status as M.T.'s teacher. Lofthouse never denied that he had sexual relations with M.T. and M.T. steadfastly maintained Lofthouse never forced her to do anything she did not want to do. However, Lofthouse maintained as a matter of law he did not kidnap M.T.

To date, Lofthouse has served approximately 1,460 days in custody. This amounts to almost 5 years for engaging in sexual conduct with a person capable of giving consent. Although Lofthouse acknowledges his status as M.T.'s teacher criminalized his conduct, the penalty for Sexual Conduct between Certain Employees or Volunteers of School and Pupil is one (1) to

1 five (5) years and is probationable. The only reason Lofthouse is in prison is
2 because the State maliciously prosecuted him for kidnapping.
3

4 As noted in the briefing in this case, it is unclear under Nevada law
5 whether the State could even charge Lofthouse for kidnapping under the
6 facts of the case. Even if the State could, the district court deprived
7 Lofthouse of his fundamental right to present a defense by refusing to
8 instruct the jury pursuant to this Court's decision in Mendoza v. State, 122
9 Nev. 267, 274-75 (2006). Had the district court complied with its
10 obligations to ensure Lofthouse received a fair trial, he very likely would not
11 have been convicted for kidnapping and would have been either granted
12 probation or would have almost certainly expired any prison sentence by
13 now.
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18 Moreover, the district court violated the Nevada Constitutional right
19 against double jeopardy when it resentenced Lofthouse to additional time in
20 prison after Lofthouse noted the court originally imposed an illegal sentence.
21 Had the court complied with this Court's decisional caselaw when correcting
22 the illegal sentence, Lofthouse would likely have already been paroled. See
23 Miranda v. State, 114 Nev. 385, 387 (1998) (citing U.S. v. Fogel, 829 F.2d
24 77, 88 (D.C. Cir. 1987)).
25
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27

28 Lofthouse is hopeful this Court ultimately decides in his favor on
appeal. Should the Court do so, and remand his case for a new trial, the

1 likelihood he will be released without bail pending re-trial is substantial.
2 See Valdez-Jimenez v. Eighth Judicial District Court, 136 Nev. Adv. Op. 20
3 (April 9, 2020). Alternatively, should the Court agree with Lofthouse that
4 he could not be charged with Kidnapping, then Lofthouse would be
5 immediately eligible for parole. Under either scenario Lofthouse is not a
6 flight risk.
7

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9 Additionally, Lofthouse is not a danger to the community. In the five
10 years since Lofthouse's conviction he has had no contact with the alleged
11 victim in this case. The alleged victim, M.T., is now 22 years old. M.T. was
12 attending college at the time of Lofthouse's trial and assuming she continued
13 her academic pursuits, she would have graduated by now. Lofthouse has no
14 desire contact M.T. whatsoever should he be released. Significantly, based
15 upon his conviction, Lofthouse can never teach in Nevada again. Therefore,
16 this Court need not worry that Lofthouse will find employment in a school
17 setting upon release. Additionally, although it is not clear that Lofthouse is
18 mandated to comply with sex offender registration laws while his case is
19 pending on appeal, Lofthouse asserts he will comply anyway upon release.
20
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22
23 Prior to his arrest in the instant case, Lofthouse had no prior criminal
24 record whatsoever. Lofthouse has no prior attempts at escape from
25 confinement either. Rather, prior to his arrest and incarceration, Lofthouse
26 was a respected teacher and member of the community. Admittedly,
27
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1 Lofthouse made a terrible decision to engage in a consensual sexual
2 relationship with a student. However, that decision has cost him dearly.
3
4 Lofthouse has lost his marriage, his employment, and the ability to have a
5 relationship with his three (3) children during their formative years.
6
7 Nevertheless, Lofthouse has tremendous family support. In fact, he and his
8 ex-wife maintain a good relationship. Additionally, Lofthouse's ex-wife
9 desires that Lofthouse maintain a relationship with his children. To that end,
10
11 Lofthouse's ex-wife takes the children to visit Lofthouse in prison as much
12 as possible. Should he be released, Lofthouse will live with his ex-wife and
13
14 their children while he attempts to find employment.

15 3. *Special justification for release pending*
16 *appeal.*

17 On January 30, 2020, during the pendency of Lofthouse's appeal, the
18 World Health Organization declared a public health emergency related to the
19 COVID-19 outbreak in Wuhan, China. See The World Health Organization,
20 [http://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-](http://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen)
21 [as-they-happen](http://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen). On April 1, 2020, the Secretary General of the United
22
23 Nations stated that COVID-19 poses the graves threat to humanity since
24
25 World War II. *See* New York Times,
26 [https://www.nytimes.com/reuters/2020/04/01/us/01reuters-health-](https://www.nytimes.com/reuters/2020/04/01/us/01reuters-health-coronavirus-un.html?search=ResultPosition=1)
27 [coronavirus-un.html?search=ResultPosition=1](https://www.nytimes.com/reuters/2020/04/01/us/01reuters-health-coronavirus-un.html?search=ResultPosition=1). Nevada Governor Sisolak
28

1 issued a State of Emergency on March 12, 2020.⁵ Then, on March 31, 2020,
2 he endorsed a statewide “stay at home” order.⁶ Pursuant to this March 31,
3
4 2020 Order, Nevada schools and non-essential businesses closed. Courts,
5 prosecutors, and public defenders began operating with skeleton crews. The
6 rights of criminal defendants were deprioritized.⁷
7

8 The spread of the COVID-19 virus across the world, including every
9 state in the country, poses an unprecedented danger that no person fully
10 understands. We have been told by the authorities to stay home, wash hands
11 repeatedly, and socially distance ourselves by not getting closer than six feet
12 to anyone. The Center for Disease Control (“CDC”) states that there is a
13 “high-risk of severe illness” for those individuals who are: (1) aged 65 years
14 or older; (2) living in a long-term care facility; (3) **people with serious**
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18 ⁵ See [http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-12 -](http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-12_-_COVID-19_Declaration_of_Emergency/)
19 [COVID-19 Declaration of Emergency/](http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-12_-_COVID-19_Declaration_of_Emergency/), (last visited May 21, 2020).

20 ⁶ See [http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-31 -](http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-31_-_COVID-19_Declaration_of_Emergency_Directive_010_-_Stay_at_Home_Order_(Attachments)/)
21 [COVID-19 Declaration of Emergency Directive 010 -](http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-31_-_COVID-19_Declaration_of_Emergency_Directive_010_-_Stay_at_Home_Order_(Attachments)/)
22 [Stay at Home Order \(Attachments\)/](http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-31_-_COVID-19_Declaration_of_Emergency_Directive_010_-_Stay_at_Home_Order_(Attachments)/) (last visited May 21, 2020).

23 ⁷ See DECLARATION OF EMERGENCY, Directive 009 (March 31, 2020) (“Any
24 specific time limit for the commencements, filing, or service of process of
25 any legal action, notice, motion, or other process or proceeding, whether
26 promulgated by statute, ordinance, order, rule, or regulation, or part thereof,
27 is hereby tolled from the date of this Directive until 30 days from the date
28 the state of emergency declared on March 12, 2020 is terminated.”); Eighth
Judicial District Court Administrative Order: 20-01 (March 13, 2020);
NEVADA GOVERNOR EXTENDS STATE SHUTDOWN UNTIL END
OF APRIL, ORDERS RESIDENTS TO STAY AT HOME,
[https://thehill.com/homenews/state-watch/490630-nevada-governor-extends-](https://thehill.com/homenews/state-watch/490630-nevada-governor-extends-state-shutdown-until-end-of-april-orders)
[state-shutdown-until-end-of-april-orders](https://thehill.com/homenews/state-watch/490630-nevada-governor-extends-state-shutdown-until-end-of-april-orders) (last visited April 2, 2020).

1 **heart conditions**; (4) people with chronic lung disease or moderate to severe
2 asthma; (5) people of any age with severe obesity; or (6) people with an
3 underlying medical condition, such as diabetes. See CDC,
4 [https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html)
5 [groups-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html). Under the best of circumstances, the conditions
6
7 of a detention facility maximize virus transmission.
8

9 Custodial facilities are particularly vulnerable to the COVID-19
10 outbreak for a variety of reasons, including inadequate medical facilities,
11 limited personal protective equipment (PPE), an insufficient number of care
12 providers to meet the needs of a massive jail population, stagnant air,
13 inmates with compromised immune systems, inmates with chronic health
14 conditions not well controlled in the carceral context, the rapidly aging
15 inmate population, the constant influx of inmates, the traffic of personnel
16 coming and going, and overpopulation.⁸
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21 Indeed, when coronavirus suddenly exploded in China's prisons, there
22 were reports of more than 500 cases spreading across five (5) facilities in
23
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25 ⁸ See, e.g., ARE OUR PRISONS AND JAILS READY FOR COVID-19?
26 [https://www.aclu.org/news/prisoners-rights/are-our-prisons-and-jails-ready-](https://www.aclu.org/news/prisoners-rights/are-our-prisons-and-jails-ready-for-covid-19/)
27 [for-covid-19/](https://www.aclu.org/news/prisoners-rights/are-our-prisons-and-jails-ready-for-covid-19/) (last visited March 25, 2020); THIS CHART SHOWS WHY
28 [https://www.themarshallproject.org/2020/03/19/this-chart-shows-why-the-](https://www.themarshallproject.org/2020/03/19/this-chart-shows-why-the-prison-population-is-so-vulnerable-to-covid-19)
[prison-population-is-so-vulnerable-to-covid-19](https://www.themarshallproject.org/2020/03/19/this-chart-shows-why-the-prison-population-is-so-vulnerable-to-covid-19) (last visited March 25,
2020).

1 three provinces.⁹ At Riker’s Island in New York, the number of confirmed
2 COVID-19 cases exploded from one (1) to 200 in twelve (12) days because
3 the virus “spreads like wildfire,” precipitating a “public health disaster.”¹⁰
4 Nevada prisons will be no exception, unless the State learns from the
5 experiences of other jurisdictions and take immediate action.
6
7

8 Prisons are Petri dishes for viral proliferation, endangering inmates,
9 officers, healthcare providers, civilian staff, and community members. The
10 situation cannot be controlled sans “social distancing,” which requires
11 significant depopulation and a corresponding reduction in corrections staff.
12 As such, the release of inmates from jails and prisons is crucial in battling
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17 ⁹ 1. THEY WERE ALREADY IN CHINA’S PRISONS. NOW THE
18 CORONAVIRUS IS THERE, TOO, [https://www.latimes.com/world-](https://www.latimes.com/world-nation/story/2020-02-28/lawyers-activists-pastors-ughurs-families-of-detainees-in-china-fear-coronavirus-spread-outbreak-in-camps-and-prisons)
19 [nation/story/2020-02-28/lawyers-activists-pastors-ughurs-families-of-](https://www.latimes.com/world-nation/story/2020-02-28/lawyers-activists-pastors-ughurs-families-of-detainees-in-china-fear-coronavirus-spread-outbreak-in-camps-and-prisons)
20 [detainees-in-china-fear-coronavirus-spread-outbreak-in-camps-and-prisons](https://www.latimes.com/world-nation/story/2020-02-28/lawyers-activists-pastors-ughurs-families-of-detainees-in-china-fear-coronavirus-spread-outbreak-in-camps-and-prisons)
21 (last visited March 25, 2020).

22 ¹⁰ 38 TEST POSITIVE FOR CORONAVIRUS AT RIKERS ISLAND,
23 NEARBY NYC JAILS, [https://www.washingtonpost.com/national/38-test-](https://www.washingtonpost.com/national/38-test-positive-for-coronavirus-at-rikers-island-nearby-nyc-jails/2020/03/22/f3ed5fca-6b1a-11ea-abef-020f086a3fab_story.html)
24 [positive-for-coronavirus-at-rikers-island-nearby-nyc-](https://www.washingtonpost.com/national/38-test-positive-for-coronavirus-at-rikers-island-nearby-nyc-jails/2020/03/22/f3ed5fca-6b1a-11ea-abef-020f086a3fab_story.html)
25 [jails/2020/03/22/f3ed5fca-6b1a-11ea-abef-020f086a3fab_story.html](https://www.washingtonpost.com/national/38-test-positive-for-coronavirus-at-rikers-island-nearby-nyc-jails/2020/03/22/f3ed5fca-6b1a-11ea-abef-020f086a3fab_story.html) (last
26 checked 3/23/2020); “IT SPREADS LIKE WILDFIRE”: THE
27 CORONAVIRUS COMES TO NEW YORK’S PRISONS
28 [https://www.newyorker.com/news/news-desk/it-spreads-like-wildfire-covid-](https://www.newyorker.com/news/news-desk/it-spreads-like-wildfire-covid-19-comes-to-new-yorks-prisons)
[19-comes-to-new-yorks-prisons](https://www.newyorker.com/news/news-desk/it-spreads-like-wildfire-covid-19-comes-to-new-yorks-prisons) (last visited March 25, 2020); Coronavirus
spread at Rikers is a 'public health disaster', says jail's top doctor,
[https://www.theguardian.com/us-news/2020/apr/01/rikers-island-jail-](https://www.theguardian.com/us-news/2020/apr/01/rikers-island-jail-coronavirus-public-health-disaster)
[coronavirus-public-health-disaster](https://www.theguardian.com/us-news/2020/apr/01/rikers-island-jail-coronavirus-public-health-disaster) (last visited April 1, 2020).

1 the spread of COVID-19.¹¹ Government officials have called for a reduction
2 in incarcerated populations, recognizing that jails are “a tinderbox for the
3 virus, not just inside correctional facilities, but society at large.”¹²
4
5 Neighboring California, for example, will release 3,500 incarcerated persons
6 as COVID-19 rips through its prisons.¹³ The Iranian government released
7 70,000 prisoners to combat the spread of the disease.¹⁴ Governments the
8 world over recognize the tragedy that will result when officers and civilian
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13 ¹¹ ACLU SEEKS MORE STEPS TO CURB VIRUS SPREAD IN
14 NEVADA PRISONS, <https://www.reviewjournal.com/local/local-las-vegas/aclu-seeks-more-steps-to-curb-virus-spread-in-nevada-prisons-1993964/> (last visited March 30, 2020).
15

16 ¹² 38 TEST POSITIVE FOR CORONAVIRUS AT RIKERS ISLAND,
17 NEARBY NYC JAILS, https://www.washingtonpost.com/national/38-test-positive-for-coronavirus-at-rikers-island-nearby-nyc-jails/2020/03/22/f3ed5fca-6b1a-11ea-abef-020f086a3fab_story.html (last
18 checked 3/23/2020); “IT SPREADS LIKE WILDFIRE”: THE
19 CORONAVIRUS COMES TO NEW YORK’S PRISONS
20 <https://www.newyorker.com/news/news-desk/it-spreads-like-wildfire-covid-19-comes-to-new-yorks-prisons> (last visited March 25, 2020).
21

22 ¹³ *Id.*; see also CALIFORNIA TO RELEASE 3,500 INMATES EARLY AS
23 CORONAVIRUS SPREADS INSIDE PRISONS,
24 <https://www.latimes.com/california/story/2020-03-31/coronavirus-california-release-3500-inmates-prisons> (last visited April 1, 2020).
25

26 ¹⁴ IRAN RELEASES ABOUT 70,000 PRISONERS AS CORONAVIRUS
27 DEATH TOLL REACHES 237,
28 <https://economictimes.indiatimes.com/news/international/world-news/iran-releases-about-70000-prisoners-as-coronavirus-death-toll-reaches-237/articleshow/74552060.cms> (last visited March 25, 2020).

1 personnel staffing our jails become too ill to work, or when inmates become
2 infected in an ideal environment for viral transmission.

3
4 On May 20, 2020, the first inmate within the Nevada Department of
5 Corrections tested positive for Covid-19. See Las Vegas Sun,
6 [https://lasvegassun.com/news/2020/may/20/first-inmate-tests-positive-for-](https://lasvegassun.com/news/2020/may/20/first-inmate-tests-positive-for-covid-19-in-nevada/)
7 [covid-19-in-nevada/](https://lasvegassun.com/news/2020/may/20/first-inmate-tests-positive-for-covid-19-in-nevada/), accessed May 21, 2020. However, it is actually
8 unclear whether this inmate was indeed the “first” to test positive as NDOC
9 has given conflicting statements about whether it has been testing inmates in
10 its facilities. See [https://www.nevadacurrent.com/2020/04/16/ndoc-director-](https://www.nevadacurrent.com/2020/04/16/ndoc-director-spoke-in-error-inmates-are-being-tested-for-covid-19/)
11 [spoke-in-error-inmates-are-being-tested-for-covid-19/](https://www.nevadacurrent.com/2020/04/16/ndoc-director-spoke-in-error-inmates-are-being-tested-for-covid-19/), accessed May 22,
12 2020. Nevertheless, the alleged “first” inmate to test positive was housed at
13 High Desert State Prison. Id. Prior to this “first” positive test, “19
14 Department of Corrections employees [had] been diagnosed with the virus,
15 including four at High Desert[.]” Id. Therefore, the virus is likely spreading
16 throughout High Desert State Prison, which is where Lofthouse is housed.

17
18 Lofthouse was born with a transposition of the greater right ventricle.
19 “Transposition of the great arteries changes the way blood circulates through
20 the body, leaving a shortage of oxygen in blood flowing from the heart to the
21 rest of the body. Without an adequate supply of oxygen-rich blood, the body
22 can't function properly[.]” See [https://www.mayoclinic.org/diseases-](https://www.mayoclinic.org/diseases-conditions/transposition-of-the-great-arteries/symptoms-causes/syc-)
23 [conditions/transposition-of-the-great-arteries/symptoms-causes/syc-](https://www.mayoclinic.org/diseases-conditions/transposition-of-the-great-arteries/symptoms-causes/syc-)
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1 [20350589](#), accessed May 22, 2020. Although Lofthouse had surgery to
2 repair this condition shortly after his birth, given the unknowns associated
3 with Covid-19 it is unclear what could happen to Lofthouse should he
4 contract the virus. Rather than wait to find out, this Court should release
5 him on bail pending appeal due to his status as a low-risk, non-violent
6 offender.
7
8

9
10 **CONCLUSION**

11 Based upon the foregoing arguments, LOFTHOUSE respectfully
12 requests this Court grant his Motion for Bail Pending Appeal.
13

14 DATED this 22 day of May, 2020.

15 DARIN F. IMLAY
16 CLARK COUNTY PUBLIC DEFENDER

17 By /s/ William M. Waters
18 WILLIAM M. WATERS, #9456
19 Deputy Public Defender
20 309 So. Third Street, Suite #226
21 Las Vegas, Nevada 89155-2610
22 (702) 455-4576
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 22 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD	WILLIAM M. WATERS
ALEXANDER CHEN	HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

JASON RICHARD LOFTHOUSE
NDOC No: 1159974
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

BY /s/ Carrie M. Connolly
Employee, Clark County Public
Defender's Office