

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA, BOARD OF
PAROLE COMMISSIONERS,

Petitioner,

No. 76024

Electronically Filed
May 17 2019 01:56 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

v.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
CONNIE STEINHEIMER, DISTRICT
JUDGE,

Respondents,

and

MARLIN THOMPSON,

Real Party in Interest.

**THE WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE'S
MOTION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT**

COMES NOW, the State of Nevada, by Christopher Hicks, Washoe County District Attorney, through Appellate Deputy, Marilee Cate, and hereby respectfully moves this Court for leave to participate in the En Banc Oral Argument set on July 1, 2019, regarding the Board of Parole Commissioners' Petition for Writ of Mandamus. This Motion is made

pursuant to NRAP 29(h) and is supported by the following Memorandum of Points and Authorities, the pleadings and papers on file herein, and any other material this Court may wish to consider.

MEMORANDUM OF POINTS AND AUTHORITIES

The Washoe County District Attorney (hereinafter, “WCDA”) should be permitted to participate in oral argument in this case because it has separate and distinct interests from the parties. NRAP 29(h) provides, “[a]n amicus may file a motion to participate in oral argument, but the court will grant such a motion on for extraordinary reasons.” When this Court first ordered an answer to the Board of Parole Commissioners’ Petition for Writ of Mandamus, it ordered the WCDA to respond because the WCDA opposed the Petition below. The District Court ultimately filed an answer through its counsel and the WCDA filed an amicus brief. While the District Court has an interest in its order being affirmed, the WCDA is the agency that secured Real Party in Interest Marlin Thompson’s (hereinafter, “Marlin Thompson”) sentence and is also the agency that litigated against the underlying Petition for Sentence Modification at issue here. The WCDA has a unique interest in protecting the jury’s verdict and ensuring that Marlin Thompson serves the sentence provided for by the Nevada Legislature and imposed by the jury.

CONCLUSION

Based on the foregoing, the WCDA respectfully requests that this Court allow it to participate in oral argument.

DATED: May 17, 2019.

CHRISTOPHER J. HICKS
Washoe County District Attorney

BY: MARILEE CATE
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on May 17, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Kathleen Brady
Deputy Attorney General

Tiffany Breinig
Deputy Attorney General

/s/ Margaret Ford
MARGARET FORD