

PET

THE PARIENTE LAW FIRM, P.C.
MICHAEL D. PARIENTE, ESQ.
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Electronically Filed
Dec 14 2018 03:28 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMMIE CAMERON, JR.,
Petitioner,

vs.

THE HONORABLE ERIC JOHNSON,
EIGHTH JUDICIAL DISTRICT
COURT JUDGE,
Respondent,

STATE OF NEVADA,
Real Party in Interest.

Case No.:

District Court Case No.: C-18-333868-2

PETITION FOR WRIT OF MANDAMUS

COMES NOW PETITIONER, TIMMIE CAMERON, JR, by and through
his attorney of record, MICHAEL D. PARIENTE, and petitions this Honorable
Court to grant his petition for writ of mandamus to prevent the Honorable Eric
Johnson from increasing Petitioner's bail to \$100,000 cash or corporate surety.

DATED this 14th day of December 2018.

Respectfully submitted,



MICHAEL D. PARIENTE, ESQ.
Nevada Bar No. 9469
3960 Howard Hughes Pkwy, Suite 615
Las Vegas, Nevada 89169
(702) 966-5310
Attorney for Appellant Timmie Cameron

ROUTING STATEMENT

Petitioner Timmie Cameron, Jr. (hereinafter referred to as “Cameron”) agrees with the presumption his petition should first be heard before the Nevada Court of Appeals.

MEMORANDUM OF POINTS AND AUTHORITIES

Cameron was indicted by the grand jury for First Degree Kidnapping with Use of a Deadly Weapon, (Category A Felony – NRS 200.310, 200.320, 193.165 – NOC 50055); Robbery with Use of a Deadly Weapon (Category B Felony – NRS 200.380, 193.165, - NOC 50138); Battery with Use of a Deadly Weapon (Category B Felony – NRS 200.481 – NOC 50223); Grand Larceny of Firearm (Category B Felony – NRS 025.226 – NOC 50526); Burglary (Category B Felony – NRS 205.060 – NOC 50424); and Coercion (Category B Felony – NRS 207.190 – NOC 53159) on August 2, 2018 for actions filed under Case Number C-18-333868-2 in the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

I. Procedural History

1 On July 18, 2018, Justice of the Peace Letizia Harmony heard argument
2 from both the State and from Cameron on the issue of bail which had been
3 previously set at \$100,000. Cameron argued for bail of \$25,000 and cited,
4 among other things, evidence that LVMPD had told the media that the alleged
5 kidnappings appeared “suspicious” according to several online news reports.
6

7
8 After hearing arguments from Cameron and from the prosecutor
9 representing the State, Justice Letizia set bail at \$25,000 with a condition of mid-
10 level monitoring and imposed the standard conditions of release. *Justice Court*
11 *Transcript, July 18, 2018, p. 10, l. 21-22.*

12
13 On July 23, 2018, Cameron was released on bail. On August 3, 2018, the
14 State presented Cameron’s case to a Grand Jury and secured an indictment. The
15 State also asked the District Court judge hearing the Grand Jury returns to set
16 bail at \$150,000, an amount six times what Justice Letizia set in Justice Court
17 just 16 days prior to when she ordered his release on the \$25,000 bail.
18

19
20 *Transcript, August 9, 2018, p.3, ll. 19.*

21
22 On August 21, 2018, the District Court heard arguments from Cameron
23 and from the State and increased Cameron’s bail to \$100,000. *District Court*
24 *Transcript, August 21, 2018, p. 10, ll. 11.*

25
26 THE COURT: My good cause -- my good cause is that it’s my
27 understanding that Judge Letizia was not provided with the full extent of
28 the criminal conduct that was involved here, or the evidence that was

involved here; even if she was, the State had requested a larger bail than that provided.

So if I treat this as, essentially, an appeal from the State, it is -- the Court has a de novo ability to set a new bail based upon the provisions provided by statute. And additionally, it is a new case, although that isn't my primary thrust in terms of feeling that I can -- work -- pursuant to statute.

In terms of the bail in this case, it is my opinion that the State has proven by preponderance of the evidence that the defendant presents a risk of flight. I say that based upon the allegations that are contained in this case; the potential sentences that are at issue here in this case and the defendant's prior criminal history, which does involve allegations relating to violence.

I also find that the defendant, by clear and convincing evidence, presents a risk of -- to danger to the community. Again, that's based upon allegations contained here and his previous history, criminal history. In that regard, I do believe that bail of \$100,000 is appropriate to deal both with the risk of flight and with the danger to the community and that, the addition of house arrest is a condition that provides for the protection of the community.

In my looking at the materials that I have relating to the Defendant Cameron, it is my sense that I think that he is able to make the \$100,000 bail. And in making that bail, there will be sufficient reason for him to appear at court. Now that being said, you're saying he can't make bail. If you can establish to the Court's satisfaction that he cannot make bail, I will be glad to consider modifying it.

But I think, at this point in time, that is an appropriate bond, so that will be the order of the Court.

District Court Transcript, August 21, 2018, p. 16, ll. 6-25, p. 17, ll. 1-11.

Cameron argues there was no “good cause” to increase his bail because 1.) he didn’t commit any new crimes between July 23, 2018, which is the date of his release, to August 3, 2018 when he was indicted by the Grand Jury; and, 2.) there was no new evidence of additional crimes committed by Cameron unknown to Justice of the Peace Harmony when she set bail at \$25,000 on July 18, 2018. In fact, the indictment contained the same eight counts listed in the criminal complaint. Finally, the District Court’s determination that “Judge Letizia was not provided with the full extent of the criminal conduct that was involved here” is incorrect. The State had in its possession everything it chose to present to the Justice of the Peace and sought the indictment against Cameron only to frustrate his attempts to remain out on bail he posted through a surety.

II. Applicable Law

NRS 178.499(1) authorizes an increase in Cameron’s bail *only upon a showing of good cause*.

NRS 178.499 Increase in amount.

1. At any time after a district or Justice Court has ordered bail to be set at a specific amount, and before acquittal or conviction, the court may upon its own motion or upon motion of the district attorney and after notice to the defendant’s attorney of record or, if none, to the defendant, increase the amount of bail for ***good cause shown***.

2. If the defendant has been released on bail before the time when the motion to increase bail is granted, the defendant shall either return to custody or give the additional amount of bail.

(bold and italics added)

Here, “good cause” was absent when the State moved to increase Cameron’s bail just because the prosecutors were unhappy with Justice Letizia’s reduction of the bail from \$100,000 to \$25,000 with mid-level monitoring she ordered on July 18, 2018. Cameron posted bail and was released on July 23, 2018. The State then indicted him on August 3, 2018. Cameron didn’t commit any new offenses during the 11 days of his release from custody from the time of his release to the date of his indictment. Furthermore, the State did not find new victims or additional crimes in its investigation and did not add additional charges. How is this “good cause”?

A writ of mandamus is appropriate in Cameron’s case. “When petitioner has no plain, speedy and adequate remedy in the ordinary course of law, a writ of mandamus is available to control an arbitrary or capricious exercise of discretion.” *DiMartino v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 119 Nev. 119, 121, 66 P.3d 945, 946 (2003). Here, Cameron has no relief from the District Court’s erroneous finding of “good cause” where none existed.

III. Conclusion

There was no “good cause” to increase Cameron’s bail shown to the District Court to permit him to quadruple Cameron’s bail from \$25,000 to \$100,000. Had the State shown “good cause” evidenced by additional victims or

1 additional crimes committed by Cameron, the District Court judge would have
2 been permitted to increase his bail.
3

4 Cameron respectfully requests this Honorable Court to enter an order of
5 mandamus directing Judge Eric Johnson from to lower Cameron's bail to
6 \$25,000 with the previously imposed conditions.
7

8 DATED this 14th day of December 2018.
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10 Respectfully submitted,
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14 MICHAEL D. PARIENTE, ESQ.
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VERIFICATION

STATE OF NEVADA)
)ss:
COUNTY OF CLARK)

I, Michael D. Pariente, being first duly sworn, deposes and states as follows:

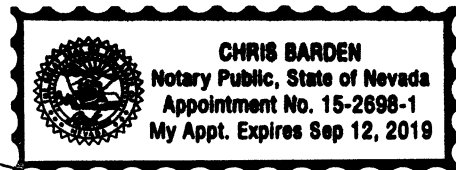
That I represent the Petitioner in the above-entitled action; that I have read the foregoing Petition for Writ of Mandamus and know the contents thereof, that the same is true of my own knowledge, except for those matters therein contained stated on information and belief, and as to those matters, I believe them to be true. I further verify Petitioner has personally authorized me to commence this action.

DATED this 14th day of December, 2018.



Michael D. Pariente, Esq. for
Timmie Cameron, Jr.

SUBSCRIBED and SWORN to before me
this 14th day of December, 2018.



NOTARY PUBLIC in and for said

Clark County and State of Nevada

VERIFICATION

STATE OF NEVADA)
)ss:
COUNTY OF CLARK)

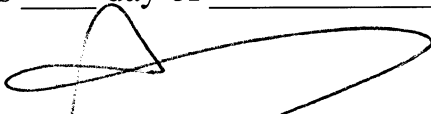
I, Timmie Cameron, Jr., being first duly sworn, deposes and states as follows:

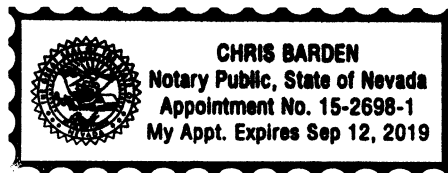
That I am the Petitioner in the above-entitled action; that I have read the foregoing Petition for Writ of Mandamus and know the contents thereof, that the same is true of my own knowledge, except for those matters therein contained stated on information and belief, and as to those matters, I believe them to be true.

DATED this 14th day of December, 2018.


Timmie Cameron, Jr.

SUBSCRIBED and SWORN to before me
this 14th day of December, 2018.





NOTARY PUBLIC in and for said
Clark County and State of Nevada

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 13th day of December, 2018, a copy of the foregoing Petition for Writ of Mandamus was deposited in the United States Post Office at Las Vegas, Nevada, postage prepaid, addressed to the following:

Sheriff Joseph Lombardo
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106

Liz Mercer, DDA
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155
Elizabeth.Mercer@clarkcountynvda.com

The Honorable Eric Johnson
Eighth Judicial District Court
Department 20
200 Lewis Avenue
Las Vegas, Nevada 89155



Jacqueline Nunez
an employee of
Michael D. Pariente, Esquire