

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMMIE CAMERON,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 77669

RESPONSE TO MOTION TO PUBLISH ORDER

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through Chief Deputy, STEVEN S. OWENS, and submits this Response to Motion to Publish Order.

This response is based on the following memorandum, declaration, and all papers and pleadings on file herein.

Dated this 8th day of May, 2019.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ Steven S. Owens
STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
Office of the Clark County District Attorney

POINTS AND AUTHORITIES

On April 29, 2019, this Court issued its Order Granting Petition for Writ of Mandamus (hereinafter “Order”) instructing the district court to show good cause for its increased bail. By Motion filed on May 7, 2019, Petitioner seeks to publish that Order. The State now opposes the request because the Order does not meet the criteria for publication.

A motion to reissue an unpublished disposition or order as an opinion to be published in the *Nevada Reports* must be based on one or more of the criteria for publication which include whether the case (1) presents an issue of first impression, (2) alters, modifies, or significantly clarifies a rule of law previously announced by the court; or (3) involves an issue of public importance that has application beyond the parties. NRAP 36(c), (f).

Petitioner claims there has been a lack of clarity as to whether district courts must consider bail set in justice court when a case has been indicted and as to what constitutes good cause for increasing bail. However, the applicable statutes already address these legal issues and this Court’s Order in this case was concerned more with the lack of factual record specific to this particular case. After citing the relevant law which is not in dispute, this Court held that it was “not convinced that the district court engaged in a meaningful analysis,” and that the “district court did not articulate why,” and it is “not clear from the record,” that good cause existed to

increase the bail. See Order, pp. 2-3. The import of this Court's Order and instructions for the district court to show good cause for its increased bail speak to the inadequacy of the record in this particular case, not to some global change or clarification of law. An inadequate factual record is not an issue of first impression, does not modify or clarify the law, and does not involve an issue of public importance beyond the parties in this case.

WHEREFORE, the State requests that the motion to publish be denied.

Dated this 8th day of May, 2019.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Steven S. Owens*

STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
Office of the Clark County District Attorney
Regional Justice Center
200 Lewis Avenue
P.O. Box 552212
Las Vegas, NV 552212
(702) 671-2500

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on this 8th day of May, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

MICHAEL D. PARIENTE, ESQ.
Counsel for Appellant

STEVEN S. OWENS
Chief Deputy District Attorney

BY /s/ J. Garcia
Employee,
Clark County District Attorney's Office

SSO//jg