

SIAOSI VANISI, ) Case Nos. 78209  
Appellant, ) Electronically Filed  
vs. ) Oct 03 2019 11:36 p.m.  
 ) Elizabeth A. Brown  
 ) Clerk of Supreme Court  
WILLIAM GITTERE, Warden, Ely State, )  
Prison, AARON FORD, Attorney General )  
of Nevada )  
Respondents )  
 )

COMES NOW, Nevada Law Professors, by and through undersigned  
counsel of record, and hereby file this Motion for Leave to File Brief of  
Amici Curiae in Support of Appellant, Siaosi Vanisi.

Respectfully submitted,

By /s/ Lisa Rasmussen  
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## **POINTS AND AUTHORITIES**

Nevada Law Professors, by and through their counsel, Lisa Rasmussen, Esq., hereby request leave to appear and submit a brief as amici curiae in this matter. *See* NRAP 29(c).

### **I. Interests of Amici**

One of the issues presented in Mr. Vanisi's appeal is whether this Court should interpret Article 1, section 6 of the Nevada Constitution to bar the execution of people who suffer from severe mental illness. Amici are professors of criminal law and criminal procedure at the University of Nevada, Las Vegas, William S. Boyd School of Law. As professors at the only law school in Nevada, amici are responsible for educating the majority of attorneys who will practice criminal law in this state. As legal scholars and advisors to student researchers, amici are actively interested in the evolution and interpretation of Nevada law regarding criminal procedure and the constitutional rights of criminal defendants, as well as decisions made by the legislature and the courts that affect criminal justice policy in Nevada. Finally, amici are familiar with the theoretical and practical context in which courts have interpreted constitutional limitations on punishment. Amici have an interest in assisting this Court in its consideration of this important issue.

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## II. Desirability of Amici Curiae Participation

The question of whether the Nevada Constitution bars the execution of severely mentally ill persons is a novel question for this Court. It is also a question of great public policy importance for the state and potentially for the nation, as other states may face this question.

The attached brief fulfills the “classic role of amicus curiae by assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Com’n of Labor & Industry*, 694 F.2d 203, 204 (9th Cir. 1992). Leave should be granted here because “amicus has unique information or perspective that can help the court beyond the role that the lawyers for the parties are able to provide.” *Ryan v. Commodities Futures Trading Com’n*, 125 F.3d 1062, 1063 (7th Cir. 1997) (Posner, J., in chambers). This brief meets these purposes. As Nevada law professors and experts in criminal law and procedure, amici have a unique, holistic perspective on the operation of the criminal justice system in Nevada, including the administration of the death penalty. This perspective can assist the Court in evaluating the question before it. Resolution of the issue will also impact how we teach future Nevada attorneys to perform their duties, giving us unique perspective on the issue and interest in the case.

### **III. Conclusion**

For the reasons stated above, amici respectfully request leave to file the attached amici brief in support of Appellant.

Dated this 3rd day of October, 2019.

Respectfully submitted,

Nevada Law Professors

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## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 3rd day of October, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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