

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 78152

MELVIN LEROY GONZALES,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Jan 11 2021 03:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR AMICUS CURIAE NEVADA ATTORNEYS
FOR CRIMINAL JUSTICE TO PARTICIPATE IN ORAL
ARGUMENT**

RENE L. VALLADARES
Federal Public Defender
Nevada State Bar No. 11479
*ELLESSE D. HENDERSON
Assistant Federal Public Defender
Nevada State Bar No. 14674C
411 E. Bonneville, Suite 250
Las Vegas, Nevada 89101
(702) 388-6577
Ellesse_Henderson@fd.org

*Counsel for NACJ Amicus Curiae

Amicus Curiae Nevada Attorneys for Criminal Justice (“NACJ”), by and through its counsel, Ellesse D. Henderson, Assistant Federal Public Defender, hereby move for permission to participate in oral argument.

Pursuant to Nevada Rule of Appellate Procedure 29(h), “[a]n amicus may file a motion to participate in oral argument, but the court will grant such motions only for extraordinary reasons.”

Extraordinary reasons exist in this case. The issue in the appeal—whether a petitioner who pled guilty is allowed to raise ineffective assistance of sentencing and appellate counsel in a postconviction petition—is highly consequential. This Court’s decision will have a far-reaching impact on a significant number of petitioners throughout the State.

As stated in prior pleadings, NACJ is well-positioned to provide insight to this Court on the issue. Many attorney members of NACJ represent petitioners in state court post-conviction proceedings, as well as in appellate proceedings that often follow post-conviction litigation in the district court. It is respectfully submitted that the experience and perspective of these attorneys would greatly benefit this Court at oral

argument as it considers the critically important issue in this case. This perspective can be seen in the amicus brief that was filed. The brief covered several critical issues beyond those presented in the petition for review and covered in the lower court's opinion.

NACJ respectfully asks this Court to grant this motion.

Respectfully submitted this 11th day of January, 2021.

Respectfully submitted,

/s/ *Ellesse D. Henderson*

ELLESSE D. HENDERSON

Assistant Federal Public Defender

Nevada State Bar No. 14674C

411 E. Bonneville Ave., Suite 250

Las Vegas, Nevada 89101

Telephone: (702) 388-6577

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2021, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system. Participants in the case who are registered users in the appellate electronic filing system will be served by the system and include:

Karla Butko
Attorney at Law
1030 Holcomb Ave.
Reno, NV 89502

Michael McDonald
Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89446

Charles L. Finlayson, Senior Deputy Attorney General
Office of the Attorney General
100 North Carson Street
Carson City, NV89701-4717

/s/ Richard D. Chavez

An Employee of the
Federal Public Defender,
District of Nevada