

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Apr 18 2022 10:42 a.m.
Elizabeth A. Brown

No. 82038 Clerk of Supreme Court

THE STATE OF NEVADA,
Appellant,

vs.

TARIQ MANSON,
Respondent.

MOTION TO PARTICIPATE AS AMICUS CURIAE
AND MOTION TO SUBMIT AN AMICUS BRIEF IN EXCESS OF
10 PAGES

The Washoe County Public Defender's Office, pursuant to Rule 29 of the Nevada Rules of Appellate Procedure (NRAP), hereby requests leave to file an amicus brief in the above entitled matter.

In an order filed in this appeal on January 13, 2022, this Court identified four issues "concerning the determination of competence/incompetence and the possibility of restoration" that it wished to be resolved. The Court directed the parties to address them in supplemental briefs. The Court also invited the Nevada Attorneys for Criminal Justice and the Nevada District Attorney's Association to file amicus briefs on these issues. Finally, the Court invited amicus briefing

from other interested amici and directed that they “may proceed by motion in accord with NRAP 29.” The Court limited briefing to “10 pages.” Order Directing Supplemental Briefing and Inviting Amicus Briefing (filed on January 13, 2022) at 2. The Washoe County Public Defender’s Office falls into the latter category.

The basis for our two requests—to participate as amicus and to file an amicus brief that is slightly in excess of 10 pages—are more fully set out in the attached declaration of counsel.

DATED this 18th day of April 2022.

JOHN L. ARRASCADA
Washoe County Public Defender

By: John Reese Petty
JOHN REESE PETTY
Chief Deputy Public Defender

DECLARATION OF JOHN REESE PETTY

I declare under penalty of perjury that the following assertions are true.

1. I am an attorney duly licensed to practice law in the State of Nevada. I am employed by the Washoe County Public Defender's Office as a Chief Deputy in the appellate division.

2. The Washoe County Public Defender's Office is a duly constituted county public defender's office created pursuant to NRS 260.010, *et seq.* Since its inception on July 1, 1969, it has provided legal representation to indigent persons charged with crimes in Washoe County, Nevada.

3. Issues involving competency to stand trial or to be sentenced, restoration of competency, and other legal commitments under Chapter 178 of the Nevada Revised Statutes are routinely litigated by this office. The resolution of the four questions presented by this Court will have a direct impact on our practice.

4. The text of the argument contained in the amicus brief, which is being filed herewith, exceeds the 10-pages limit by only two pages (not counting the cover sheet and certificate pages). The total word

count for the entire document, excluding the table of contents and the table of authorities, is only 2,313 words.

5. The parties filed their supplemental briefs on April 13, 2022. NRAP 29(f) grants amici seven days from the filing of the parties' briefs in which to seek leave to participate as amici. The proposed amicus brief submitted by the Washoe County Public Defender's Office is timely.

6. This motion is made in good faith and not for the purposes of delay.



JOHN REESE PETTY

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 18th day of April 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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