

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**INDICATE FULL CAPTION:**

TRAVIS BISH,  
Appellant,  
vs.  
THE JUSTICE COURT FOR SPARKS  
TOWNSHIP, THE HON. JESSICA  
LONGLEY, BY AND THROUGH REAL  
PARTY IN INTEREST, STATE OF NEV.  
Respondents

No. 82295

Electronically Filed  
Jan 25 2024 01:07 p.m.

**DOCKETING STATEMENT**  
**CRIMINAL APPEALS**  
Alison A. Brown  
Clerk of Supreme Court

(Including appeals from pretrial and post-conviction  
rulings and other requests for post-conviction relief)

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

1. Judicial District Second County Washoe

Judge Hon. Scott Freeman District Ct. Case No. CR20-2911

2. If the defendant was given a sentence,

(a) what is the sentence?

N/A

(b) has the sentence been stayed pending appeal?

N/A

(c) was defendant admitted to bail pending appeal?

N/A

3. Was counsel in the district court appointed ☒ or retained ☐ ?

4. **Attorney filling this docketing statement:**

Attorney Kathryn Reynolds Telephone 775-447-7817

Firm Washoe County Public Defender's Office

Address: 350 South Center Street, 5th Floor  
Reno, Nevada 89501

Client(s) Travis Bish

5. Is appellate counsel appointed ☒ or retained ☐ ?

**If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.**

**6. Attorney(s) representing respondent(s):**

Attorney Jennifer Noble Telephone 775-337-5755

Firm Washoe County District Attorney's Office

Address: One South Sierra Street, 7th Floor, Reno, Nevada 89501

Client(s) Sparks Justice Court; the Hon. Jessica Longley, and the State of Nevada

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address: \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

- ☐ Judgment after bench trial
- ☐ Judgment after jury verdict
- ☐ Judgment upon guilty plea
- ☐ Grant of pretrial motion to dismiss
- ☐ Parole/probation revocation
- ☐ Motion for new trial

- ☐ Grant of pretrial habeas
- ☐ Grant of motion to suppress evidence
- ☐ Post-conviction habeas (NRS ch. 34)
  - ☐ grant ☐ denial
- ☒ Other disposition (specify):

- ☐ grant ☐ denial
- ☐ Motion to withdraw guilty plea
  - ☐ grant ☐ denial

Order Denying Petition for Writ of Mandamus

**8. Does this appeal raise issues concerning any of the following:**

- ☐ death sentence
- ☐ life sentence
- ☐ juvenile offender
- ☐ pretrial proceedings

**9. Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

- ☐ Yes
- ☐ No

**10. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

None

**11. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

None

**12. Nature of action.** Briefly describe the nature of the action and the result below:

Mr. Bish was arrested and charged with one count of sexual assault on a child under the age of 14. Following his arrest, the Sparks Justice Court set his bail in the amount of \$30,000. Shortly thereafter, Mr. Bish received a bail hearing pursuant to this court's recent decision in Valdez-Jiminez v. Eighth Judicial Dist. Ct., 136 Nev. Adv. Op. 20, 460 P.3d 976 (2020). The justice court noted that Mr. Bish was a low flight risk, but nonetheless raised his bail to \$50,000 based on the seriousness of the charge. Mr. Bish sought a writ of mandamus in the district court challenging the decision of the justice court. The district court denied the petition without argument. Mr. Bish appeals that order under NRS 2.090(2).

**13. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

In Valdez-Jiminez v. Eighth Judicial Dist. Ct., 136 Nev. Adv. Op. 20, 460 P.3d 976 (2020), this Court clearly recognized that monetary bail, especially that which results in a de facto detention order, is appropriate only where the State proves, by clear and convincing evidence, that pretrial detention is the least restrictive means necessary to protect the safety of the community and ensure the defendant's return to court. This case presents an opportunity to clarify whether it is appropriate to find de facto detention necessary under Valdez-Jiminez based primarily on the seriousness of the charges alleged, rather than a defendant's individualized circumstances?

**14. Constitutional issues:** If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**15. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This appeal presents a question stemming from the Supreme Court's recent decision in Valdez-Jiminez. Mr. Bish asserts that the Supreme Court should retain and decide this appeal pursuant to NRAP 17(a).

**16. Issues of first impression or of public interest.** Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest?

First impression:    ☒ Yes                      ☐ No

Public interest:       ☒ Yes                      ☐ No

**17. Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

0 days

**18. Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

☐ Yes                      ☐ No

### **TIMELINESS OF NOTICE OF APPEAL**

19. Date district court announced decision, sentence or order appealed from Dec 3, 2020

20. Date of entry of written judgment or order appealed from Dec 3, 2020

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

21. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court

(a) Was service by delivery ☐ or by mail ☐

22. If the time for filing the notice of appeal was tolled by a post judgment motion,

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (newly  
discovered evidence) \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (other grounds) \_\_\_\_\_ Date filed \_\_\_\_\_

(b) Date of entry of written order resolving motion \_\_\_\_\_

23. Date notice of appeal filed December 30, 2020

24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other

NRAP 3A(b)(1)

### SUBSTANTIVE APPEALABILITY

25. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) _____	Other (specify) NRS 2.090(2) _____
NRS 177.055 _____	

### VERIFICATION

**I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.**

Travis Bish  
\_\_\_\_\_  
Name of appellant

Kathryn Reynolds  
\_\_\_\_\_  
Name of counsel of record

1/25/2021  
\_\_\_\_\_  
Date

*Kathryn Reynolds*  
\_\_\_\_\_  
Signature of counsel of record

### CERTIFICATE OF SERVICE

I certify that on the 25 Jan day of 20 21 , I served a copy of this completed docketing statement upon all counsel of record:

☒ By personally serving it upon him/her; or

☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

\*Using thie Court's electronic filing system (Master Service List)

Dated this 25th day of January , 2021 .

*Kathryn Reynolds*  
\_\_\_\_\_  
Signature