

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEREK JOHNSTON,
Petitioner,

vs,

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MARY KAY HOLTHUS, DISTRICT
JUDGE

Respondent,

and

THE STATE OF NEVADA,
Real Party in Interest.

Electronically Filed
Jan 04 2022 03:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 83968

D.C. NO: C-21-354689-1

RESPONDENT'S APPENDIX

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Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 4, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

ALEXANDER CHEN
Chief Deputy District Attorney

I also certify that on January 4, 2022, a copy of this document was sent via Facsimile machine to T. Augustus Claus, Esq. at:

T. AUGUSTUS CLAUS
FAX No.: (702) 463-4800

I, further certify that on January 4, 2022, a copy was sent via email to District Court, Department 18's Judicial Executive Assistant for Judge Mary Kay Holthus:

KELLY TIBBS - JEA
tibbsk@clarkcountycourts.us

BY /s/ E. Davis
Employee, District Attorney's Office

AC//ed

F [REDACTED]

From: Augustus Claus [REDACTED]
Sent: Monday, November 15, 2021 9:24 AM
To: Tibbs, Kelly [REDACTED]; 'Rose Schiavone' [REDACTED]
Cc: Tobi Caperon [REDACTED]; Brianna Lamanna [REDACTED]
Subject: RE: ID 1875685 JOHNSTON. DEREK

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

I am currently in trial in DC 20. Please let me know if the Court is placing this matter on Calendar.

T. Augustus Claus
ATACLAW, LLC

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From: Tibbs, Kelly <[REDACTED]>
Sent: Monday, November 15, 2021 9:20 AM
To: 'Rose Schiavone' <[REDACTED]>
Cc: Tobi Caperon <[REDACTED]>; Augustus Claus <[REDACTED]>; 'Brianna Lamanna' <[REDACTED]>
Subject: RE: ID 1875685 JOHNSTON. DEREK

Counsel,

Please see message below. The Court will email the Memo once it is received from HA.

Thank you.

Kelly Tibbs
Judicial Executive Assistant
to The Honorable Mary Kay Holthus

District Court, Department 18

From: Rose Schiavone <[REDACTED]>
Sent: Saturday, November 13, 2021 12:33 PM
To: Tibbs, Kelly <[REDACTED]>
Subject: FW: ID 1875685 JOHNSTON. DEREK

[NOTICE: This message originated outside of Eighth Judicial District Court
-- DO NOT CLICK on links or open attachments unless you are sure the content
is safe.]

From: Rose Schiavone
Sent: Saturday, November 13, 2021 12:31 PM
To: LVJC HA Violations <[REDACTED]>; IAC Deputy
<[REDACTED]>; [REDACTED]
Cc: Joey Quidachay <[REDACTED]>; Carlos Miranda CO Sgt. <[REDACTED]>;
Tyler Darrington <[REDACTED]>
Subject: ID 1875685 JOHNSTON. DEREK

Court, While out on EMP, the below Defendant failed to follow the EMP rules and has been returned to CCDC custody. The Supervising Officer will be forwarding a memo to the appropriate Court with details of the violation(s). Any questions regarding the violation(s) can be directed to the HA Sgts.

Please provide a new custody status slip if the Court wishes the Defendant to return to EMP. The defendant was on EMP on 3 cases.

ID#1875685 JOHNSON, DEREK

EMP Case# --- 20-CR-030809
C-21-354689-1
21-CR-021016

Rose Schiavone

Sr. L.E.S.T P#7841

DSD Records Training Unit/House Arrest Eligibility

[REDACTED]

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DEREK JOHNSTON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MARY KAY HOLTHUS, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 83589

FILED

OCT 11 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
B. [Signature]
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

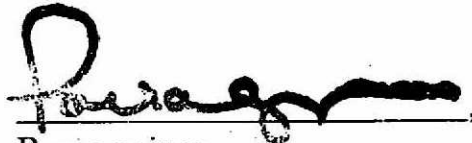
This emergency, original petition for a writ of mandamus challenges the district court's decision to hold petitioner without bail pending an evidentiary hearing on alleged violations of his conditions of supervised pretrial release. On October 8, 2021, we directed an expedited answer to the petition, which real party in interest timely filed.

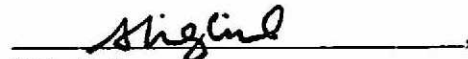
Having reviewed the petition, answer, and supporting documents,¹ we conclude that petitioner has not demonstrated that extraordinary writ relief is appropriate at this time. NRS 34.160; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioner bears the burden to demonstrate that writ relief

¹To the extent that real party in interest asks that any body cam footage and JAVS recordings provided to this court be stricken, we deny the request as moot, as none were provided by petitioner or viewed by this court.

is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). In particular, the evidentiary hearing before which petitioner seeks release is scheduled to take place today, and thus, under these circumstances, we decline to intervene. Accordingly, we

ORDER the petition DENIED.

 J.
Parraguirre

 J.
Stiglich

 J.
Silver

cc: Hon. Mary Kay Holthus, District Judge
Legal Resource Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk