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Electronically Filed
May 04 2022 10:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHERIFF JOSEPH LOMBARDO and
LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Appellants,

vs.

MATEO FACIO,

Respondent.

Case No.: 84622

Appeal from the Eighth Judicial District
Court, The Honorable Jacqueline M.
Bluth Presiding.

APPELLANTS' CASE APPEAL STATEMENT

Appellants Sheriff Joseph Lombardo and Las Vegas Metropolitan Police Department ("LVMPD"), by and through their attorneys of record, Marquis Aurbach, hereby file this Case Appeal Statement.

1. Name of appellant filing this Case Appeal Statement:
Sheriff Joseph Lombardo on Behalf of LVMPD
2. Identify the Judge issuing the decision, judgment, or order appealed from:
James M. Bixler, senior District Judge
3. Identify each appellant and the name and address of counsel for each appellant:
Sheriff Joseph Lombardo on Behalf of LVMPD; Nick D. Crosby, Esq., Marquis Aurbach, 10001 Park Run Drive, Las Vegas, NV 89145.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicated as much and provide the name and address of that respondent's trial counsel):
Mateo Facio c/o JoNell Thomas, Esq., Special Public Defender, 330 S. Third Street, Ste. 800, Las Vegas, NV 89155
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
n/a
6. Indicated whether appellant was represented by appointed or retained counsel in the district court:
Retained counsel

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

n/a

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed):

Information filed January 19, 2022

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

The Respondent moved the district court for an order directing Lombardo to transport and house Respondent, who is in the custody of the State, for trial preparation and for Respondent's trial. Initially remanded Respondent to the custody of the Clark County Detention Center ("CCDC"), then granted a motion to reconsider the remand order. Subsequently, Respondent moved, *inter alia*, to reconsider the order on the prior motion for reconsideration. The district court granted the subsequent motion and ordered that Respondent be transported to CCDC and housed at CCDC 30 days before his trial, which was entered as an Order on March 23, 2022.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

Lombardo previously sought Petition for Writ of Mandamus or Prohibition under the caption: Las Vegas Metropolitan Police Department v. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark; and the Honorable James Bixler, Senior District Judge; and The State of Nevada and Mateo Facio as real parties in interest. Case No. 84459.

12. Indicate whether this appeal involves child custody or visitation:

n/a

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

n/a

Dated this 4th day of May, 2022.

MARQUIS AURBACH

By: s/Nick D. Crosby

Nick D. Crosby, Esq.
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Attorney for Appellants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPELLANTS' CASE APPEAL STATEMENT** was filed electronically with the Nevada Supreme Court on the 4th day of May, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

JoNell Thomas, Esq.
Special Public Defender
Attorneys for Respondent

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to: n/a

s/Sherri Mong _____
an employee of Marquis Aurbach