

IN THE SUPREME COURT OF THE STATE OF NEVADA

HENRY BIDERMAN APARICIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84300

FILED

MAR 08 2023

NOTICE OF VOLUNTARY DISCLOSURE

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


Henry Aparicio currently has a direct appeal pending before this court which stems from a DUI case that originated in the Eighth Judicial District Court. Pursuant to Rule 2.11(A)(6)(d) of the Revised Nevada Code of Judicial Conduct, please be advised that I presided over two events in the instant matter while I was still a district judge in the Eighth Judicial District Court.

From July of 2018 until June of 2022, I served as the Chief Judge of the Eighth Judicial District Court. As Chief Judge, I routinely heard motions to disqualify other judges from the Eighth Judicial District. In this case, Mr. Aparicio's counsel filed a motion to disqualify Judge Doug Smith. By the hearing on the motion, Judge Smith had announced his retirement. His retirement necessitated the reassignment of Mr. Aparicio's case, making the motion moot. On that basis, I denied the motion on March 19, 2019. The motion also requested that I strike certain rulings made by Judge Smith. On that ground, Mr. Aparicio's counsel filed a motion to reconsider, requesting a ruling regarding striking prior rulings of the assigned judge. As I was neither assigned the underlying case, nor sitting in an appellate capacity, I did not believe it was within the very limited scope of deciding disqualification to consider any of the substantive rulings of the assigned judge. On that basis, I denied the request for

reconsideration on April 23, 2019. That was the only involvement I had in the matter. I have no specific recollection of any of the legal issues involved in the case at that time and I was not involved in any way in the decision leading to the appeal.

I have no bias or prejudices as to any of the parties or issues in the litigation and I do not believe that my impartiality could reasonably be questioned. I make this disclosure so that any person who wishes to request my disqualification may do so by filing a motion pursuant to NRAP 35. Any recusal requests should be made in writing within seven days of the filing date of this Voluntary Disclosure.

It is so ORDERED.


_____, J.
Bell

cc: Hon. Jerry A. Wiese, Chief Judge
Nevada Defense Group
Attorney General/Carson City
Clark County District Attorney
Eighth Judicial District Court Clerk