

JOSE VALDEZ-JIMINEZ,)
)
Petitioner,)
vs.)
)
)
THE EIGHTH JUDICIAL DISTRICT))
COURT OF THE STATE OF)
NEVADA, IN AND FOR THE)
COUNTY OF CLARK, AND THE)
HONORABLE MARK BAILUS,)
DISTRICT JUDGE,)
)
Respondents,)
and)
THE STATE OF NEVADA,)
Real Party in Interest.)
)

Case No: 76417
Electronically Filed
Jul 09 2019 10:30 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

COMES NOW Petitioner JOSE VALDEZ-JIMINEZ, by and through his attorney, CHRISTY L. CRAIG, Chief Deputy Public Defender, and moves this Honorable Court to allow association of outside counsel Olevia Boykin, Esq., in the instant matter. This Motion is based upon the following Memorandum and all papers and pleadings on file herein.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER
By /s/ Christy L. Craig
CHRISTY L. CRAIG, #6262
Chief Deputy Public Defender

POINTS AND AUTHORITIES

Petitioner's Mandamus Petition raises constitutional objections to wealth-based and arbitrary pre-trial detention orders issued in Clark County. The same claims have been raised in two other matter currently pending before this Honorable Court: *Nathan Grace v. Eighth Jud. Dist. Ct.*, Supreme Court Case No: 76947, and *Aaron Frey v. Eighth Jud. Dist. Ct.*, Supreme Court Case No: 76845.

Petitioner requests permission to associate outside counsel, Olevia Boykin, Esq, in the instant matter. Ms. Boykin is an attorney with Civil Rights Corps (CRC), a non-profit organization in Washington, D.C. dedicated to challenging systemic injustice in the American legal system. CRC specializes in innovative impact litigation designed to reshape or end unlawful criminal justice practices. In that capacity, CRC has successfully challenged the use of money bail to confine indigent defendants in various jurisdictions throughout the United States. Ms. Boykin has participated in several of those money bail challenges.

Nevada Supreme Court Rule 42 sets forth the requirements for pro hac vice admission in Nevada. SCR 42 requires that the attorney seeking admission reside out-of-state and not be a member of the State Bar of Nevada. It also requires that the attorney not be engaged in substantial

business activities in Nevada; and that he/she be a member in good standing of any jurisdiction in the United States. SCR 42 further requires and the attorney associate with an active member in good standing of the State Bar of Nevada. Finally, SCR 42(6) provides that the “granting or denial of a motion to associate counsel is. . . discretionary.”

Ms. Boykin is neither a Nevada resident nor a member of the State Bar of Nevada. She does not do substantial business in Nevada. She is a member of good standing in the jurisdictions in which she is barred. She has sought association in the instant matter with Chief Deputy Public Defendant Christy Craig, an active Nevada State Bar member in good standing. Ms. Boykin has experience litigating claims such as that raised in the instant matter throughout the United States. Accordingly, Petitioner requests that this Honorable Court allow Ms. Boykin to associate as counsel here.

Respectfully submitted,

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By /s/ Christy L. Craig
CHRISTY L. CRAIG, #6262
Chief Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 9 day of July, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD

CHRISTY L. CRAIG

STEVEN S. OWENS

NANCY M. LEMCKE

HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

MARK BAILUS
District Court, Department XVIII
200 Lewis Avenue
Las Vegas, NV 89101

By /s/ Carrie M. Connolly
Employee, Clark County Public
Defender's Office

EXHIBITS

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA
4 Case No. 76417

5 Jose Valdez-Jiminez

6 vs.

7 The Eighth Judicial District
8 Court of the State of Nevada,
9 in and for the County of Clark

10
11 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
12 42 (3) (b)

13 THE STATE BAR OF NEVADA, in response to the application of
14 Petitioner, submits the following statement pursuant to SCR42(3):

15 SCR42(6)**Discretion.** The granting or denial of a motion to associate
16 counsel pursuant to this rule by the court is discretionary. The
17 court, arbitrator, mediator, or administrative or governmental
18 hearing officer may revoke the authority of the person permitted to
19 appear under this rule. Absent special circumstances, repeated
20 appearances by any person or firm of attorneys pursuant to this rule
21 shall be cause for denial of the motion to associate such person.

22 (a) **Limitation.** It shall be presumed, absent special
23 circumstances, and only upon showing of good cause, that
24 more than 5 appearances by any attorney granted under
25 this rule in a 3-year period is excessive use of this
26 rule.

27 (b) **Burden on applicant.** The applicant shall have the
28 burden to establish special circumstances and good cause
for an appearance in excess of the limitation set forth
in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

1. DATE OF APPLICATION: 6/25/2109


2. APPLYING ATTORNEY: Olevia Boykin, Esq.

3. FIRM NAME AND ADDRESS: Civil Rights Corps, 910 17th Street NW,
Suite 200, Washington, DC 20005

1 4. NEVADA COUNSEL OF RECORD: Christy L. Craig-Rohan, Esq., Office
2 of the Public Defender, 309 S. Third St., Ste 226, Las Vegas,
3 NV 89155

4 5. There is no record of previous applications for appearance by
petitioner within the past three (3) years.

5 DATED this June 27, 2019

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8 Mary Jorgensen
9 Member Services Director
10 Pro Hac Vice Processor
11 STATE BAR OF NEVADA
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IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMINEZ
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MARK B. BAILUS DISTRICT JUDGE
Respondents,

and

THE STATE OF NEVADA,
Real Party In Interest

Case No. 76417

**APPLICATION FOR WAIVER OF FEE PURSUANT
TO NEVADA SUPREME COURT RULE 42(3)(e)**

Olevia

First

Boykin

Middle Name

Last

, Petitioner, respectfully requests that, pursuant

to SCR 42(3)(e), the Court waive the application fee for the following reason(s):

____ Petitioner is providing *pro bono* services in a death penalty habeas corpus case; or

X Petitioner is providing *pro bono* services in similar circumstances that warrant waiver of the

application fee. The facts which support this request are as follows:

I am an attorney at Civil Rights Corps, a non-profit organization in Washington, DC, that provides legal services to its clients free of charge. I have been retained to provide pro bono counsel in support of Petitioner's request for a writ of mandamus. This case challenges Petitioner's ongoing detention as violative of the United States Constitution.

(If necessary, please attach additional pages)

I, Olivia Boykin, do hereby swear/affirm under penalty of perjury that I am the Petitioner in the above entitled matter; that I have read the foregoing Waiver of Fees and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

DATED this 12 day of June, 2019

Olivia Boykin
Petitioner/Affiant

STATE OF DC)
COUNTY OF Washington) ss

Subscribed and sworn to before me

this 12 day of June, 2019

Gina P. Mullin
Notary Public



IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMINEZ
Petitioner,

No. 76417

v.
THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF CLARK, AND THE HONORABLE
MARK B. BAILUS DISTRICT JUDGE
Respondents,
and
THE STATE OF NEVADA,
Real Party In Interest.

VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL UNDER
NEVADA SUPREME COURT RULE 42

Olevia Boykin, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 318 Elm St NW
Street Address
Washington, DC
City County State
20001, (920) 287-2866
Zip Code Telephone

2. Petitioner is an attorney at law and a member of the law firm of
Civil Rights Corps
with offices at 910 17th ST NW, Suite 200
Street Address
Washington, DC
City County State
20005, (202) 753-6482, olevia@civilrightscorps.org
Zip Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by _____
Jose Valdez-Jiminez _____ to provide legal representation in
connection with the above-entitled matter now pending before the above referenced court.

4. Since November 3 of 2017, petitioner has been, and presently is, a member of good standing of
the bar of the highest court of the State of Texas where petitioner regularly practices
law.

5. Petitioner was admitted to practice before the following United States District Courts, United
States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states
on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
US District Court - District of Nevada	4/29/2019
_____	_____
_____	_____
_____	_____

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes,
give particulars; e.g., court, jurisdiction, date: No

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority
at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date,
status: No

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
None			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

Christy	L.	Craig	6262
First Name	Middle Name	Last Name	NV Bar #

who has offices at Clark County Public Defender

Firm Name/Company

309 S. Third Street, Suite 226	Las Vegas	Nevada
Street Address	City	County

89155	(702)	455-4685
Zip Code	Phone Number	

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

Attached as Exhibit A

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Olevia Boykin, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:
Print Petitioner Name

1) That I am the Petitioner in the above entitled matter.

2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 12 day of June, 2019

Olivia Bayli
Petitioner/Affiant (blue ink)

STATE OF DC)
COUNTY OF Washington) ss

Subscribed and sworn to before me

this 12 day of June, 20 19

Agis P. Melich
Notary Public



DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Christy Craig hereby agree to associate with Petitioner referenced hereinabove
Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 25 day of June, 20 19

[Signature]
Nevada Counsel of Record (blue ink)

STATE OF Nevada)
COUNTY OF Clark) ss

Subscribed and sworn to before me

this 25th day of June, 20 19

Kayleigh Lopatic
Notary Public



EXHIBIT A

Petitioner

Jose Valdez-Jimenez
Clark County Detention Center
330 S Casino Center Blvd
Las Vegas, Nevada 89101

Nancy M. Lemcke, Deputy Public Defender
Christy L. Craig, Deputy Public Defender
Clark County Public Defender
309 S. Third Street, Second Floor
Las Vegas, Nevada 89155

Charles Lewis Gerstein (pro hac vice)
Civil Rights Corps
910 17th Street NW, Suite 200
Washington, DC 20006

Real Party in Interest

Adam Laxalt
Aaron D. Ford
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

Steven S. Owens
Krista D. Barrie
Office of the Clark County District Attorney
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Respondent

Honorable Mark Bailus
Eighth Judicial District Court, Dept. XVIII
Phoenix Building
330 S. Third Street, CTRM 110
Las Vegas, NV 89101