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SPARKS JUSTICE COURT

MAY 13 2020
By *A. Whitehead*
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IN THE JUSTICE COURT OF SPARKS TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

IN THE ADMINISTRATIVE MATTER OF:
SPARKS JUSTICE COURT'S PROMPT BAIL ADMINISTRATIVE ORDER 2020-04
REVIEW PROCEDURE

Pursuant to the Nevada Supreme Court's decision in Valdez-Jimenez v. Eighth Judicial District Court, 136 Nev Adv. Op 20 (2020), as well as the requirements of the Nevada Constitution and the Nevada Revised Statutes, the Sparks Justice Court hereby adopts the following procedures to ensure prompt bail hearings.


1. The judges will continue to review the probable cause declarations, pretrial risk assessments, and public defender applications to determine probable cause, appoint counsel, and set bail.
 - a. The initial bail reviews will generally be made in less than 24 hours after arrest.
 - b. The judges will conduct the reviews at least twice a day, seven days a week.
2. The Valdez-Jimenez prompt bail hearings will be held when the defendant is arraigned or at the first 72-hour hearing, whichever occurs first.
3. A Deputy District Attorney will appear at arraignments and be prepared to address bail.
 - a. The DDA will also be prepared to address pleas in minor cases with possible credit for time served.
 - b. For 72-hour hearings, the DDA will address why the complaint has not been filed and set forth good cause for more time to do so.
4. The Court will apply the following standards at the bail hearing:
 - a. Presumption of release;
 - b. Money bail only set as necessary to ensure protection of the community or victim and ensure the defendant's appearance; and
 - c. The State must prove by clear and convincing evidence that money bail is necessary rather than less restrictive conditions.

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- 1 5. Defense counsel will be afforded the opportunity to present evidence and call
2 witnesses if they choose to do so.
- 3 6. The judge will state their findings of fact on the record based on the:
4 a. Pretrial Risk Assessment [NPRA];
5 b. NRS 178.4853 and NRS 178.498 factors; and
6 c. Valdez-Jimenez factors.
- 7 7. The Court will allow a short continuance for good cause by either the State or
8 defense counsel and will reset the prompt bail hearing within two judicial days.
- 9 8. After the initial bail hearing, any other bail review will require the filing of a
10 motion and the setting of a formal hearing. The motion must be based upon good
11 cause and not a rehearing of the prior bail hearing.
- 12 9. The Court is not responsible for disseminating information or documents to either
13 the State or defense counsel. Public records will be available through the Court's
14 case management system. The NPRA is accessible to the Public Defender on the
15 secure public site 24 hours prior to the arraignment or 72-hour hearing. All other
16 documents must either be shared between the parties or obtained directly from
17 the originating agency.
- 18 10. The State should advise victims of their rights under Marsy's Law and inform them
19 of any upcoming hearings, including their right to be heard concerning bail. The
20 State should be the primary point of contact for victims; the Court cannot assume
21 that responsibility.

22 IT IS SO ORDERED.


23 Dated this 13th day of May 2020.

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Judge Chris Wilson
Justice of the Peace
Dept. 1



Chief Judge Kevin Higgins
Justice of the Peace
Dept. 2



Judge Jessica Longley
Justice of the Peace
Dept. 3