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REC'D & FILED  
2022 DEC 16 PM 4:10  
ANDREY ROWLATT  
CLERK  
BY J. HIGGINS  
DEPUTY

8  
9 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR CARSON CITY

12 \* \* \*

13 THE STATE OF NEVADA,

14 Petitioner,

Case No. 22EW00047 1B

15 v.

Dept. No. II

16 NEVADA BOARD OF PARDONS,  
17 STEVE SISOLAK, GOVERNOR,

18 Respondent.  
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MOTION FOR EMERGENCY HEARING AND ORDER SHORTENING TIME

Comes now, the Washoe County District Attorney's Office (WCDA) by and through District Attorney CHRISTOPHER HICKS and JENNIFER NOBLE and files this motion for an emergency on its petition for an alternative writ of mandamus or prohibition to stop the Nevada Board of Pardons' (Board) consideration on December 20, 2022, of an item to possibly commute the death sentences of every inmate in Nevada. This motion is based on the following memorandum of points and authorities, First Judicial District Court Rule 9 and District Court Rule 17, the WCDA's Emergency Petition for Writ of Mandate or Prohibition, all documents on file herein, and any proceedings held in connection with this case.

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. Background

3 The Board has a scheduled meeting on December 20, 2022. At that meeting, the  
4 Board's recently amended agenda contemplates an item to possibly commute the death  
5 sentences of every inmate on death row in Nevada. There are currently 57 inmates on  
6 death row. Though the original agenda for the Board's December 20 meeting, which did  
7 not include this commutation matter, was posted on November 17, 2022, at the end of  
8 the day on Wednesday of this week (December 14, 2022), the agenda was amended to  
9 include the item.

10 II. Argument

11 Today, the WCDA filed an emergency petition for mandate or prohibition seeking  
12 to stop consideration of the commutation item at the Board's December 20 meeting.  
13 The grounds for the petition are set forth in full in that document, which is incorporated  
14 herein by reference. More specifically, and not by way of limitation, the grounds include  
15 violations of NRS chapter 213 NAC chapter 213 (lack of applications for commutation  
16 and lack of notice to victims), Marsy's Law in the Nevada Constitution (Article 1, Sec.  
17 8A) (lack of notice to victims), and Willmes v. Reno Municipal Court, 118 Nev. 831, 59  
18 P.3d 1197 (2002) (impermissible effort to amend statutory law by imposing categorical  
19 policy commutation rather than individualized consideration of particular cases).

20 Given the last-minute addition of this cryptically worded item, which does not  
21 even name the inmates or provide any information about their particular cases, given  
22 the magnitude of the violations it entails, and given the lack of time to oppose it in any  
23 more meaningful and thorough way prior to the meeting, an order setting an emergency  
24 hearing is requested for Monday, December 19, 2022, as well as an order shortening  
25 time for the respondents to file any responsive pleadings or papers in this matter.  
26

1     III.    Conclusion


2           In light of the foregoing, it is respectfully requested that this motion be granted.

3  
4                     AFFIRMATION PURSUANT TO NRS 239B.030

5           The undersigned does hereby affirm that the preceding document does not  
6     contain the social security number of any person.

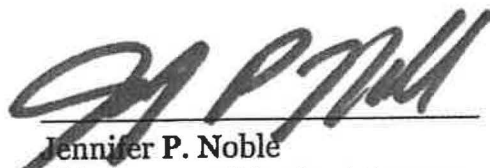
7                     DATED: December 16, 2022.

8  
9                             CHRISTOPHER J. HICKS  
                              District Attorney

10  
11                            By   
12                               JENNIFER P. NOBLE  
13                               Chief Deputy District Attorney

**VERIFICATION**

1. I, Jennifer P. Noble, declare:
2. I am one of the attorneys for the Petitioner herein;
3. I verify that I have read the foregoing Petition for Writ of Mandamus  
and/Prohibition that the same is true to my own knowledge, except for those  
matters therein stated on information and belief, and as to those matters, I  
believe them to be true.
4. I declare under penalty of perjury of the laws of Nevada, that the foregoing is true  
and correct.
5. That an order shortening time is critical to ensure that this matter is considered  
prior to the Board hearing scheduled for December 20, 2022.

  
Jennifer P. Noble  
Chief Deputy District Attorney

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I served a true and correct copy of this Motion for Order

Shortening Time by personally serving it upon:

Attorney General, Aaron Ford  
100 North Carson Street  
Carson City, Nevada 89701

Governor Steve Sisolak  
101 North Carson Street  
Carson City, Nevada 89701

Denise Davis or Designated Agent  
Nevada Board of Pardons Commissioners  
1677 Old Hot Springs Road, Ste. A  
Carson City, Nevada, 89706

Elizabeth Brown  
Clerk, Nevada Supreme Court  
201 South Carson Street  
Suite 201  
Carson City, Nevada 89701

By 