

JUL 05 2022

By Anita Whitehead  
DEPUTY CLERK

IN THE JUSTICE COURT OF SPARKS TOWNSHIP  
COUNTY OF WASHOE, STATE OF NEVADA

IN THE ADMINISTRATIVE MATTER OF  
SPARKS JUSTICE COURT'S PROMPT BAIL  
REVIEW PROCEDURE

AMENDED  
ADMINISTRATIVE ORDER 2022-06

Pursuant to the passage of *Assembly Bill 424* (2021), 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 per day, seven days per week.
  - c. The cut-off for all prompt bail review hearings will be for arrests occurring before 3:00p.m. two days prior, e.g., Saturday bail hearings will cover any arrests before 3:00p.m. the Thursday prior, and the Sunday bail hearings will cover any arrests before 3:00p.m. the Friday prior. Arrests after 3:00p.m. on Fridays may be placed on the Sunday morning calendar if all necessary documents are available. Otherwise, the Court finds good cause to continue those hearings to the Monday morning calendar.
2. Pretrial Services is authorized to release individuals with appropriate conditions if they qualify pursuant to the NPRA Release and Supervision praxis that has been adopted by the Court prior to initial bail review by a judge. See NRS 178.4847 (effective July 1, 2022).

- 1 3. The Court will hold pretrial release hearings seven days per week, including all  
2 holidays, at 8:30 a.m. These hearings will be held via remote access only.
- 3 4. Counsel will appear and are expected to be prepared to present their arguments,  
4 evidence, or witness testimony to address the custody status or release.
  - 5 a. Requests for continuances will be generally denied, unless good cause is shown.
  - 6 b. Exceptions to denial for continuances may be considered for Category A felonies  
7 or for unusual circumstances.
  - 8 c. If a continuance is granted, the continuance date will be granted on the record at  
9 the time of the request.
- 10 5. After the initial pretrial release hearing whether it is held, submitted, or waived the  
11 parties must proceed with the formal motion process in order to address subsequent  
12 consideration of pretrial release conditions or bail.
  - 13 a. The only exception to the motion requirement is if the parties stipulate to a  
14 modification of custody status and provide a signed modification of custody  
15 form for the Court to review and grant/deny.
- 16 6. The Court will apply the following standards at the bail hearing:
  - 17 a. Presumption of release;
  - 18 b. Money bail or a condition of release, or both set as necessary to ensure  
19 protection of the community or victim or ensure the defendant's appearance; and
  - 20 c. The State must prove by clear and convincing evidence that money bail or any  
21 other conditions are necessary rather than less restrictive conditions.
- 22 7. The judge will state their findings of fact on the record based on the:
  - 23 a. Pretrial Risk Assessment [NPRA];
  - 24 b. NRS 178.4853 and NRS 178.498 factors;
  - 25 c. *Valdez-Jimenez* factors; and
  - 26 d. Any other considerations the Court may rely upon.
- 27 8. The Court has secured a Spanish interpreter for the prompt pretrial release hearings. The  
28 Court will make every effort to quickly obtain interpreters for all other languages as

1 needed. However, the inability to secure one within the timeline delineated in section  
2 1(c) above, will be considered good cause for continuing a weekend hearing.

3 9. The Court is not responsible for disseminating information or documents to either the  
4 State or defense counsel. Records will be available to the District Attorney, Public  
5 Defender, and/or Alternate Public Defender through the Court's case  
6 management system and the Court's secured access site. All other documents must  
7 either be shared between the parties or obtained directly from the originating agency.

8 10. Subsequent hearings such as arraignments, 72-hour hearings, warrant arraignments, etc.  
9 will continue to be held in the normal course Monday through Friday.

10 11. This Administrative Order hereby rescinds Administrative Order 2020-04 and will be in  
11 effect as of July 1, 2022.

12 IT IS SO ORDERED *nunc pro tunc July 1, 2022.*

13 Dated this 5<sup>th</sup> day of July 2022.

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17 Chief Judge Kevin Higgins  
18 Justice of the Peace  
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