

NO. _____
FILED
OCT 20 2020
EUREKA JUSTICE COURT
DEPT. *Eureka & Beavawee*
BY: *[Signature]*

1
2 **IN THE JUSTICE COURT OF EUREKA TOWNSHIP**
3 **COUNTY OF EUREKA, STATE OF NEVADA**

4
5 IN THE ADMINISTRATIVE MATTER OF:
6 EUREKA JUSTICE COURT'S BAIL
7 REVIEW PROCEDURE
8

ADMINISTRATIVE ORDER 20-07

9 WHEREAS, the Nevada Supreme Court in Valdez-Jimenez v. Eighth Judicial District Court,
10 136 Nev. Adv. Op. 20 (2020) addressed the issue of providing prompt bail hearings to
11 individuals in custody; and

12 WHEREAS, Nevada Revised Statutes 171.4851 and NRS 174.4853 outline considerations to
13 be made in determining whether bail should be imposed in a case, and good cause appearing;

14 The Eureka Justice Court adopts the following procedures to ensure that individuals receive
15 prompt bail hearings:

- 16 1. Upon arrest of Defendant:
17 a. The Sheriff's Office will:
18 i. complete a probable cause declaration,
19 ii. fill out the Nevada Pretrial Risk Assessment,
20 iii. set bail in accordance with the bail schedule, and
21 iv. provide the defendant with a financial declaration for appointment of the
22 public defender.

23 As the law requires this Court make a probable cause determination within 48 hours of
24 arrest, the Sheriff's Office will be expected to provide probable cause declarations to the Court
25 within twenty-four (24) hours of arrest to allow the Court time for review. Last minute
26 submissions of a probable cause declaration may result in release of the Defendant.

- 27 2. Within the first **48 hours** of arrest:
28 a. The Court will:
i. review all probable cause declarations for warrantless arrest. The Court
will order release of the defendant if no PC is established or the
declaration is not provided within 48 hours.
ii. adjust bail for those charges listed in the declaration that are not
supported by PC.
iii. preliminarily consider OR or release with conditions for misdemeanor
charges and low NPRAT scores.
iv. review financial declarations and appoint the Public Defender. Financial

1 declarations received on weekends will be filed and processed on the first
2 judicial day after receipt by the Court.

- 3 3. The defendant shall appear before the court within **72 judicial hours** for an initial
4 appearance and a Valdez-Jimenez bail hearing.
- 5 4. The State and defense counsel shall be present at the bail hearing.
6 a. Failure of the State to appear and offer reasons for bail may result in the
7 defendant be released on his/her own recognizance.
8 b. Both parties will be given the opportunity to present evidence and call witnesses
9 if they so choose.
- 10 5. In accordance with Valdez-Jimenez, the Court will apply the following standards at the
11 bail hearing:
12 a. Presumption of release;
13 b. Non-monetary conditions of release;
14 c. Money bail set in an amount defendant can afford and only as necessary to
15 ensure defendant's appearance and the protection of the community and
16 victim;
17 d. Proof by clear and convincing evidence (State's burden) that money bail is
18 needed in an amount a defendant cannot afford rather than any less restrictive
19 alternative.
- 20 6. The Court will state its findings of fact on the record based on the:
21 a. Nevada Pretrial Risk Assessment;
22 b. NRS 178.4853 and NRS 178.498 factors; and
23 c. Valdez-Jimenez.
- 24 7. The Court will allow continuances upon good cause shown by either the State or defense
25 counsel and will reset a continued bail hearing within two (2) judicial days.
- 26 8. After the initial bail hearing, any other review of bail will require the filing of a motion
27 and a formal hearing. The motion must be based upon good cause and will not be a
28 rehearing of the prior bail hearing.
9. The State should advise victims of their rights under Marsy's Law and inform them of
 any upcoming hearings, including their right to be heard concerning bail. The State
 should be the primary point of contact for victims.

IT IS SO ORDERED.

Dated this 20th day of October, 2020.


HEATHER BOWLEY
JUSTICE OF THE PEACE