

1 **NYE COUNTY RESOLUTION 2019-18**

2 A RESOLUTION REQUESTING THE ATTORNEY GENERAL, WITH THE CONCURRENCE OF
3 THE BOARD OF COUNTY COMMISSIONERS AND THE DISTRICT ATTORNEY, TO APPOINT
4 A SPECIAL PROSECUTOR TO PRESENT CRIMINAL CASE CR7837, STATE V. CARMELO
MOTTA

5 WHEREAS, NRS 228.130 provides that the District Attorney may request the assistance of the
6 Attorney General of the State of Nevada in prosecuting a criminal matter in which a conflict exists
7 which precludes the District Attorney from prosecuting such matter; and

8 WHEREAS, pursuant to NRS 228.130(1), the Board of County Commissioners must first adopt
9 a resolution joining in such a request; and

10 WHEREAS, a conflict has arisen necessitating the disqualification for the District Attorney's
11 Office from the potential prosecution of said case; and

12 WHEREAS, the District Attorney determined that it was appropriate to refer these matters to the
13 Attorney General for potential prosecution; and

14 WHEREAS, the Nye County Board of County Commissioners adopted Resolution 2019-07
15 authorizing the District Attorney to request assistance from the Attorney General to review and
16 prosecute the criminal case; and

17 WHEREAS, on April 16, 2019 the Attorney General's Office declined to do so; and

18 WHEREAS, pursuant to NRS 228.130(5)(b), the Attorney General may, with the concurrence of
19 the Board and the District Attorney, appoint a special prosecutor to present the criminal case.

20 NOW, THEREFORE, BE IT RESOLVED by the Nye County Board of County Commissioners
21 as follows:

22 1. That the Board concurs with the District Attorney and Attorney General and requests the
23 Attorney General appoint a special prosecutor in Fifth Judicial District Court Case No. CR7837.

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1 ADOPTED this 10th day of May, 2019.

2 NYE COUNTY
3 BOARD OF COUNTY COMMISSIONERS:

ATTEST:

4 Linda A. Wickman 5-10-19
5 John Koenig, Chairman

6 Sandra L. Merlino
7 Sandra L. Merlino, Nye County Clerk
8 And Ex-Officio Clerk of the Board
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