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Please Respond to Reno Office

June 24, 2025

Via Electronic Mail:
Board on Indigent Defense Services

Re: ***Jayme N. Martinez, Esq. – DIDS/BIDS Request for Reconsideration***

To Whom It May Concern:

Please allow the following correspondence to serve as my request for reconsideration for the Department of Indigent Defense Services decision dated June 16, 2025. Specifically, requesting reconsideration for DIDS determination of “*Gross Misdemeanor and Category E, D, C, and B (for which the maximum penalty is 10 years or less) felonies*”.

Date of Original Application: December 1, 2023

Date of Updated Application: June 12, 2025

Jurisdictions requested: Churchill County; Douglas County; Elko County; Humboldt County; Lyon County

Categories Approved: (1) Misdemeanor; (2) Gross Misdemeanor and Category E, D, C, and B (for which the maximum penalty is 10 years or less) felonies; (3) Direct Appeal, Non-Capital; and (4) Juvenile.

Nevada Administrative Code (“NAC”) section 180.33 provides verbatim:

“An attorney who seeks to provide indigent defense services to a person charged with a non-capital category A felony or a category B felony for which the maximum penalty is more than 10 years must:

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1. *Meet the following requirements:*
 - (a) *Be licensed to practice law in the State of Nevada.*
 - (b) *Have practiced criminal law for 3 full years, either as a prosecutor, provider of indigent defense services or retained counsel; and*
 - (c) *Have been trial counsel, alone or with other trial counsel, and handled a significant portion of three felony jury trials that were tried to completion;*
- or*
2. *As determined by the Department, demonstrate experience and skills that are equivalent to the requirements set forth in subsection 1, have a significant record of quality representation in criminal trials and have the ability to handle complex felony matters.*

As stated above, NAC 180, Section 33 provides attorneys seeking to provide indigent defense services for non-capital Category A felonies, or Category B felonies subject to a maximum sentence of more than ten years two possible avenues: (1) Meet specific requirements demonstrating the licensure to practice law in Nevada, sufficient years of practice, and sufficient trial experience; or (2) demonstrate a qualified record of quality representation in criminal trials, and the ability to handle complex felony matters. I am currently one jury trial short of meeting the requirements under subsection (1).

I believe my extensive experience and demonstrated skills meet and exceed the statutory requirements, either directly or through equivalent qualifications. As such, I submit to you my qualified record for your reconsideration:

- 1) I have been licensed to practice law in the State of Nevada since 2021;
- 2) I have practiced criminal law for 4 years as indigent defense;
- 3) Likewise, I have practiced criminal law for 4 years as retained counsel;
- 4) I have been trial counsel for 2 felony jury trials and have handled all portions of said trials.

In addition to meeting the aforementioned qualifications of subsection 1, my equivalent experience also qualifies me to meet the eligibility provided in subsection 2.

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Namely:

- 1) I have assisted in over 35 capital and felony murder trials;
- 2) I have conducted dozens of preliminary hearings;
- 3) I am a partner at my firm;
- 4) I have my own caseload of more than 100 clients many of those appointed by Washoe County with charges varying from Misdemeanors to Category A felonies.

To illustrate my capability to handle complex felony cases, I provide a sample of my current case load, which includes but is not limited to:

- Private counsel - Category A felony, murder with deadly weapon as first chair. (Benson)
- Private counsel - Category B Felony, domestic battery with use of Deadly Weapon. (Finn)
- Appointed counsel - Category B Felony, Statutory Sexual Seduction of a minor. (Oshigee)
- Appointed counsel - Gross Misdemeanor, Manufacture import possess dangerous weapon; Gross Misdemeanor - Possession of firearm without a serial number; Category B Felony - Possession of stolen firearm; Category E Felony - Poses Schedule I Controlled Substance, and Category B Felony - Trafficking in or Possession of Schedule I or II Controlled Substance. (Simpson)
- Appointed counsel - 3 Counts Attempt Murder with Use of Deadly Weapon, Category B Felony, 3 Counts Battery with use of Deadly Weapon resulting in Substantially Bodily Harm. (Weber)
- Appointed counsel - for material witness in jury trial. (Jones)

Further details of my qualifications are provided in my curriculum vitae, attached hereto which includes additional complex felony matters such as Capital Murder, attempted murder, battery with substantial bodily harm, felony lewdness with a minor, Trafficking schedule I controlled substance greater than 100g, and pandering. Additionally, I am honored to have been recognized as one of the top 100 Lawyers in Nevada by Nevada Business Weekly 2025.

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Of note, the only reason I am seeking this reconsideration under subsection (2) is because of a prior privately retained client currently incarcerated in Lyon County, Kyle Calhoun. Mr. Calhoun retained my office in July of 2024. Unfortunately, prior to trial, Mr. Calhoun became indigent and could no longer meet his financial obligations to my office as a privately retained client. I advised Mr. Calhoun of his right to appointed counsel and filed a motion to withdraw. In an attempt to maintain the same trial date for Mr. Calhoun and save county resources, I advised Mr. Calhoun and the Court that I would be willing to take the case back as appointed counsel if I was allowed to do so. The Court had no problem with it. Likewise, the State had no objection to it.

I respectfully request that the Board reconsider my application following a clear demonstration of my extensive experience which meets the requirement set forth in NAC 180 Section 33, my comprehensive background in criminal law practice handling complex felony cases, and proven track record, both as appointed counsel and private counsel in cases which the stakes are much higher than the maximum sentence of 10 years as previously determined.

Respectfully,

SGRO & ROGER

/s/ Jayme N. Martinez, Esq.
JAYME N. MARTINEZ, ESQ.

JNM/mg

cc:

Enclosure: Curriculum Vitae - Jayme Martinez, Esq.