

CHRIS ARABIA



November 15, 2022

Marcie Ryba
Executive Director
Department of Indigent Defense Services
mryba@dids.nv.gov

Dear Ms. Ryba:

I am applying for the position of State Public Defender. My experience in criminal law spans the last 13 years, including 9 years as a criminal defense lawyer with heavy emphasis on indigent defense in rural, urban, state, and Federal settings. Presently, I am serving the last 2 months of a full-term as the District Attorney of Nye County.

I have a combination of skills and experiences that have prepared me well for the State Public Defender position. Overseeing a DA's Office with ~10 DDAs and ~18-20 staff members has taught me much about administration and about managing daily operations and a diverse group of personalities. My defense career includes working as the lone public defender in Esmeralda, as one of five public defenders in Nye County, as a Clark County panel defender, and as a CJA panel attorney. I have successfully tried murder cases as defense and prosecutor and have done extensive appellate work.

Both in the trenches and in management, I have seen and done a great deal that will enable me to develop and implement a vision and strategy to improve the services that Nevada provides to indigent citizens in their hours of most pressing need.

Please feel free to contact me and thank you for your consideration.

Sincerely,

/s/ Chris Arabia

Chris Arabia

CHRIS ARABIA



PROFESSIONAL EXPERIENCE

Nye County District Attorney, Elected District Attorney.

Pahrump and Tonopah, NV, 2019-present.

Manage all office operations, including ~10 Deputy District Attorneys and 18-20 Support Staff. Represent State of Nevada and Nye County in criminal prosecutions ranging from misdemeanors to murder and in juvenile and DCFS cases. Advise police on criminal matters. Provide legal counsel and representation to the county government in civil matters. Liaise with outside counsel in matters requiring specialization. Collaborate with other law enforcement agencies.

Notable Achievements:

- Initiated (and am presently directing) the county's first murder prosecutions against defendants who provided fentanyl resulting in death of recipients.
- Tried case (as co-counsel) involving murder of toddler, obtained life-without-parole verdict, and drafted successful opposition to defendant's appeal (*State v. Engelson*).
- Played key role in obtaining a 24-60 year sentence in DUI Death case even though blood testing occurred outside the two-hour window and medical personnel provided fentanyl to the defendant during treatment (*State v. Kennedy*).
- Secured longer sentences in murder, DUI death, and animal cruelty cases.
- Oversaw development of the office's first-ever policy manual.
- Led the office through the pandemic and closures/COVID absences.

Law Offices of Chris Arabia, Criminal Defense Attorney.

Las Vegas, NV, 2009-2019.

Managed law practice with a focus on criminal law. Handled matters including hearings, motion practice, trials, and appeals in State and Federal Courts, with cases ranging from simple misdemeanors to murder and other category "A" felonies. Served as Northern Nye County Public Defender from 2010-2016 and Esmeralda County Public Defender from 2010-2019.

Notable Achievements:

- Obtained an acquittal in a state murder trial based on armed self-defense.
- Won reversal in Nevada Supreme Court on 4th Amdt. grounds (*State v. Hartshorn*).
- Improved client outcomes through effective negotiating, advising to enter drug court.
- Enhanced conviction integrity through strong defense and work on habeas matters.
- Represented clients in U.S. District Court in cases including the Bundy-BLM matter.
- Drafted appellate brief and argued before 9th Circuit Court of Appeals (*U.S. v. Wells*).

EDUCATION

- **UCLA School of Law**, Juris Doctor.
- **Dartmouth College**, Bachelor of Arts in Government and Russian Area Studies.

CHRIS ARABIA



NARRATIVE RESPONSES

1. Leading Change

The Nye DA's Office was traditionally a morass of poor trial performance, borderline ethics (discovery issues, lack of candor, vindictiveness), and terrible charging decisions.

My vision was to implement a three-part focus on charging, negotiating, and resolving: 1) what was the actual (as opposed to legal) harm suffered by any victims; 2) how strong is the evidence (both for legal sufficiency and in a common sense or moral context); and 3) based on 1) and 2), what is a just outcome (as opposed to what can the state do to the defendant). I also emphasized fairness and disclosure to the defense.

The turbulence in my first year (much resistance from DDAs, staff, Sheriff's Office, etc.) and the pandemic definitely made things more difficult, but over time we greatly improved disclosure and fairness while seeing notable improvement in just outcomes.

For example, we increased sentences in murders, animal cruelty, and DUI causing death while decreasing sentences for many non-violent offenses and leveraging creative solutions and common sense. An example of using common sense was as follows: I recall a veteran with no record charged by the police with burglary and robbery for stealing a t-shirt from a store. By the time of his pre-trial, he had been in custody for 15 days, and we made a deal for petit larceny, figuring 15 days for a t-shirt was more than sufficient. The Sheriff did not like it, but I stood by the decision. The pandemic and my re-election loss will make it impossible to measure the long-term impact, but our refusal to kowtow to the Sheriff has also reaped other benefits.

2. Leading People

During my office's prosecution of Cole Engelson for murder, I wanted to have the best possible team working on the trial. This meant myself, my Chief Deputy, my top paralegal, my top investigator, and my best research DDA. Myself and the research DDA had both had serious conflicts with the investigator. They were both female and one was a woman of color. I had a meeting with the entire group, and asked them to do all of us, especially the 3-year-old victim's family, a great favor and service, and to leave all differences to the side so we could focus on doing the best possible job.

I got deeply involved, talked with everyone regularly, and even set an example when I was restrained and understanding during an angry outburst by a family member. By the time of trial, we were a true team, and made decisions together.

We were outstanding during the trial. In 8 days with 33 witnesses from 6 states during the pandemic (November of 2020), we had one 15-minute delay for technical reasons and none for witness reasons. The jury returned a guilty verdict in 2 hours. There was also an evidentiary issue where I listened to the team but made an exception and overruled them when they were 4-0 in favor of using some evidence which I suspected would not exactly please an appellate court. I believe that that decision prevented a reversal. Because I had never previously overruled the group, that one exception caused no unrest in the group.

That trial also did much to mend my relationship with one of my employees, and we have worked very well together since then.

3. Background

While serving as DA, I fired a DDA for insubordination in 2019. He immediately went to work at the State Bar. Within 2-3 weeks, he filed a bar complaint against me claiming I had a conflict of interest when I advised the Nye County Manager and HR manager to desist from an illegal attempt to force me to reappoint the fired DDA. The Bar sought a 6-month suspension and I ended up with a public reprimand. The Bar was never able to articulate clearly the public interest I was supposedly serving by advising against the illegal hearing.

I sincerely believe it was politically motivated, unethical, and malicious. It is worth noting that the Bar attorney who helped the DDA get a job there so quickly was the same one who ran against me earlier in 2022.

Steve Sisolak
Governor



Marcie Ryba
Executive Director

Thomas Qualls
Deputy Director

Peter Handy
Deputy Director

**STATE OF NEVADA
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

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November 15, 2022

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RE: Application for list of eligible providers

Dear Mr. Arabia,

Thank you for submitting your application for inclusion on the Department's list of eligible indigent defense providers. Most County plans for indigent defense services have been submitted to and approved by the Board on Indigent Defense Services. Selection of indigent defense counsel will proceed as indicated in each County's plan. County plans may be found on the Department's website under County Resources.

Date of Application: November 15, 2022

Jurisdictions: White Pine, Lincoln, Esmeralda, Mineral and Nye 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) Category B (for which the maximum penalty is more than 10 years) and non-capital Category A felonies; (4) Direct Appeals – Non-Capital; and (5) Juvenile.

Please note that for direct appeal capital cases, the Department reviews for SCR 250's experience requirements, or prior order, only and does not seek to replace, substitute, or supersede any judicial finding or determination required under that rule.

If you disagree with this determination, you may submit a request for reconsideration within 30 days of receipt of this notice. Please include the basis for the reconsideration in the request. The Board on Indigent Defense Services will review any request for reconsideration submitted at the next scheduled meeting.

Sincerely,

/s/ Marcie Ryba
Marcie Ryba
Director