

Director Marcie Ryba
mryba@dids.nv.gov
Department of Indigent Defense Services
896 W. Nye, Suite 202
Carson City, NV 89703

Dear Director Ryba,

Please accept this as my letter of interest to serve as the Nevada State Public Defender. I believe my background as both a dedicated public defender, as well as my experience as deputy general counsel in the Office of the Governor, makes me uniquely qualified to navigate the intricacies and challenges of state government and lead the office into a new era.

I received my Juris Doctor degree from the University of San Francisco School of Law and have focused my career on fighting constitutional issues in complex cases implicating civil rights and civil liberties. During my time as a felony trial deputy with the Washoe County Public Defender's Office, I carried an extensive caseload and represented individuals at all stages of the criminal proceedings, in cases ranging from theft to first degree murder. In this role, I zealously litigated constitutional issues in a community where those protections are regularly infringed upon. This came during the Covid-19 pandemic, which resulted in court closures. During this time, I relentlessly litigated for my clients to be tried in-person. Through this advocacy, I successfully tried two jury trials to completion during the pandemic, including a five-count category B felony case for which my client was acquitted on all charges. I also successfully advocated for in-person preliminary and sentencing hearings. This included sitting as co-counsel for a two-day Category A Murder preliminary hearing. Beyond this, I conducted regular preliminary hearings and bench trials, and negotiated cases.

My commitment to indigent defense dates back to my time as a law clerk in the Federal Public Defender's Capital Habeas Unit, where I assisted in representing death row inmates in post-conviction appeals, submitting work to the United States Supreme Court. My work included implementing and conducting a state-wide empirical study on capital sentencing practices and subsequently drafting a *Furman* claim for use in ongoing petitions.

I subsequently spent years working closely with my mentor during my time at Hamasaki Law, a premier civil rights and criminal defense firm in San Francisco, I had exceptional opportunities to develop my litigation skills in state and federal court, drawing on broader themes and academic research to further my client's interests. For example, I conducted research and drafted *in limine* motions to exclude rap lyrics as evidence of gang involvement, focusing on First Amendment protections and highlighting the racist and inherently prejudicial nature of using rap lyrics as evidence of criminal activity. I was also given the opportunity to work on high-profile wrongful death, defamation, and First Amendment violation lawsuits, for which I conducted extensive research, drafted pleadings and other moving papers, and prepared witnesses for deposition and trial. In criminal matters, I argued pre-trial motions, achieving dismissals, represented clients at pretrial hearings, and prepared misdemeanor and felony cases for trial.

I have since had the pleasure to serve as the Deputy General Counsel to Governor Steve Sisolak where I expanded my skillset beyond the courtroom. In this role, I identified policy needs and worked directly with state agencies, state and local officials, and other stakeholders to implement these policy goals to (1) lead effective change and (2) lead individuals. For example, I identified the need to expand forensic bed capacity for incompetent defendants across the state. I then worked directly with a diverse group of stakeholders, including district attorneys, public defenders, judges, county officials, and state lawmakers to address the need. As a result, I successfully testified before the Interim Finance Committee for approval of a \$55 million forensic capital expenditure. In this role, I also oversaw agencies through crisis, navigating conflict management among high level cabinet members and working to problem solve issues for the betterment of the state. This included navigating and coordinating the response to the escape of a convicted person from the custody of the Nevada Department of Corrections.

My longstanding passion for indigent defense dates to my time interning at the Public Defender's office as an undergraduate student. The talent, dedication, and commitment to justice promoted by the Department of Indigent Defense is in line with the guiding principles of my work: to advance the well being of my community. I believe my academic and professional training, combined with my passion and dedication, make me a strong candidate to lead this office into the future. I understand where challenges lie on the road ahead, but I also understand how to navigate those challenges and zealously advocate for my clients, and the office, in and out of the courtroom.

Sincerely,

/s/

Erica P. Roth

ERICA ROTH

PROFESSIONAL SUMMARY

Attorney with a dedicated commitment to defending indigent clients in complex cases implicating civil rights and civil liberties.

EDUCATION

UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW

Juris Doctor May 2017

Moot Court

ABA National Appellate Advocacy Competition Spring 2017
Criminal Trial Competition Team Member Fall 2016
ABA National Appellate Advocacy Competition Spring 2016

Criminal Law Society

Co-President 2016-2017
Secretary/ Treasurer 2015-2016

Awards

Best trial advocate – USF School of Law Moot Court Program 2017
Awarded “who you’d least like to try a case against”- Graduating class 2017

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

Bachelor of Arts, Sociology December 2013

EXPERIENCE

THE OFFICE OF GOVERNOR STEVE SISOLAK

Deputy General Counsel March 2022-Present
Advised the Governor and senior staff on complex and diverse legal issues ranging from administrative law to criminal justice. Worked directly with state agencies, stakeholders and lawmakers to advance the policy directives of the Governor. Drafted advisory memorandum and executive orders. Provided legislative testimony.

WASHOE COUNTY PUBLIC DEFENDER’S OFFICE

Felony Trial Deputy August 2018-March 2022
Represented indigent clients at all stages of misdemeanor and felony criminal proceedings including arraignment, preliminary and motion hearings, and jury trials. Maintained a caseload of over 100 cases ranging from category E to Category A felonies. Successfully spearheaded litigation to secure in-person hearings and trials during the Covid-19 pandemic.

THE HONORABLE LYNN K. SIMONS, Second Judicial District Court, Reno, Nevada.
Judicial Law Clerk August 2018-Present

Conducted legal research and drafted proposed orders in civil and criminal matters ranging from habeas corpus post-conviction petitions to summary judgment motions. Drafted bench memoranda and jury instructions for criminal and civil trials. Caseload included felony criminal matters, probate, personal injury, contract, and constitutional law.

NEVADA LEGAL SERVICES INC., Carson City, Nevada

Staff Attorney October 2017-August 2018

Represented seniors, veterans, and low-income Nevadans in state and federal housing and consumer matters. Litigated complex foreclosures, evictions, Chapter 7 bankruptcy, elder fraud, and housing discrimination cases. Conducted legal outreach in rural Nevada to increase access to justice for low-income Nevadans. Carried a substantial case load and maintained positive client relationships.

HAMASAKI LAW, San Francisco, California

Certified Law Clerk October 2015-September 2017

Advocated and provided legal research and writing assistance on complex civil rights and criminal cases ranging from First Amendment violations to attempted homicide. Drafted and argued pre-trial motions including motions to dismiss, speedy trial motions, and motions to suppress—achieving dismissals. Assisted in drafting an article for future publication concerning the admissibility of rap lyrics under the Federal Rules of Evidence. Prepared a complex five co-defendant attempted murder with gang enhancements case for trial.

LAW OFFICE OF DOUGLAS HORNGRAD, San Francisco, California

Law Clerk August 2016-February 2017

Provided legal research and writing assistance for state and federal criminal matters. Produced a large volume of complex and well-written motions, including motions to suppress and motions to dismiss. Conducted legal research on complex pre-trial and trial issues and drafted well-written memoranda of law, which influenced trial strategy and case decisions. Assisted with state and federal sentencing guidelines.

FEDERAL PUBLIC DEFENDER, Little Rock, Arkansas

Law Clerk, Capital Habeas Unit May to August 2015

Assisted in representing death-row inmates in post-conviction appeals, submitting work to the United States Supreme Court. Implemented and conducted a statewide empirical study on capital sentencing practices supporting a *Furman* claim—arguing Arkansas death penalty scheme is unconstitutional. Conducted jury interviews and produced declarations of their testimony for use in habeas petitions. Investigated and compiled mitigation evidence. Interviewed and maintained relationships with clients on death row.

NOLAN, ARMSTRONG AND BARTON, LLP, Palo Alto, California

Administrative Assistant

January to August 2014

Provided legal and administrative assistance for criminal matters in state and federal court. Conducted client interviews and drafted background social histories, highlighting mitigation evidence for use in motions. Transcribed court proceedings and maintained daily communication with clients.

SANTA CRUZ COUNTY PUBLIC DEFENDER'S OFFICE, Santa Cruz, California

Legal Intern

August to December 2013

Interviewed clients in county jail. Indexed and organized felony cases for trial. Conducted legal research on an array of issues, including the side effects of prescription drugs as a defense in a murder trial. Transcribed and summarized police interrogations.

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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Phone: (775) 687-8490 | dids.nv.gov

November 17, 2022

Ms. Erica Roth
[REDACTED]
[REDACTED]

RE: Application for list of eligible providers

Dear Ms. Roth,

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 16, 2022

Jurisdictions: Carson City, Churchill, Douglas and White Pine.

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.

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
Executive Director