

IN THE SUPREME COURT OF THE STATE OF NEVADA

Consolidated Appeals

Electronically Filed
Apr 27 2026 04:04 PM
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 90929

Case No. 91103

SEBASTIAN FILUTOWSKI,
Appellant,

SEBASTIAN FILUTOWSKI,
Appellant,

v.

v.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT; SHERIFF
KEVIN MCMAHILL IN HIS
OFFICIAL CAPACITY, DETECTIVE
SHANNON BROWN, IN HIS
INDIVIDUAL CAPACITY,
Respondents,

STATE OF NEVADA EX REL
OFFICE OF THE NEVADA
ATTORNEY GENERAL;
ATTORNEY GENERAL AARON
FORD, IN HIS OFFICIAL
CAPACITY,
Respondents,

Brief of Amicus Curiae
ACLU of Nevada and Nevada Attorneys for Criminal Justice
in Support of Respondent and in Support of Affirming the Lower Court Decision

**American Civil Liberties
Union of Nevada**

Jacob T. S. Valentine
Nevada Bar No. 16324
Christopher M. Peterson
Nevada Bar No. 13932
4362 W. Cheyenne Ave
North Las Vegas, Nevada 89032
702.366.1226

Counsel for Amici ACLU of Nevada and Nevada Attorneys for Criminal Justice

N.R.A.P. 26.1 Disclosure

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

American Civil Liberties Union of Nevada is a domestic nonprofit, non-stock corporation. It has no parent corporations, and no publicly held corporations have an ownership in it.

Nevada Attorneys for Criminal Justice, Inc. (NACJ), is a domestic nonprofit, non-stock corporation. It has no parent corporations, and no publicly held corporations have an ownership in it.

Both amicus curiae are represented by Jacob Smith Valentine of the ACLU of Nevada.

No other law firms have appeared for amicus in this case or are expected to appear for amicus in this Court.

Table of Contents

N.R.A.P. 26.1 Disclosure I

Table of Contents..... II

Table of Authorities.....III

Identity Of Amicus Curiae And Statement Of Interest.....1

Argument2

 I. Nevada’s civil forfeiture system creates perverse financial incentives that reward aggressive seizure and discourage compliance with procedural safeguards.5

 II. LVMPD’s CIG policy has the same impact on an injured party as a civil asset forfeiture but avoids procedural safeguards.8

 III. Irreparable harm occurs at the moment of seizure, not after the owner has exhausted every available remedy.10

 IV. Filutowski’s case is not moot as he is entitled to recover attorney fees as special damages for being forced to litigate to recover personal property taken without lawful basis.13

Conclusion.....16

Certificate of Compliance.....17

Certificate of Service.....18

Table of Authorities

Cases

<i>Hawkins v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark</i> , 133 Nev. 900, 904, 407 P.3d 766, 770 (2017).....	12
<i>Horgan v. Felton</i> , 123 Nev. 577, 585, 170 P.3d 981, 987–88 (2007)	15
<i>In re T.R. v. State</i> , 119 Nev. 646, 651 (2003)	13
<i>Isaacson v. Mayes</i> , 84 F.4th 1089, 1099 (9th Cir. 2023)	11
<i>Levingston v. Washoe Cnty.</i> , 112 Nev. 479, 485 (1996).....	11
<i>Liu v. Christopher Homes, LLC</i> , 130 Nev. 147, 155–56, 321 P.3d 875, 880 (2014)	14
<i>Pardee Homes of Nev. v. Wolfram</i> , 135 Nev. 173, 174, 444 P.3d 423, 424 (2019)..	14
<i>Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass’n</i>	14

Statutes

NRS 179.118(2)(b).....	5
NRS 179.1187(2)	5

Other Authorities

Institute for Justice, “Policing for Profit, The Abuse of Civil Asset Forfeiture,” at 117 (3d ed. Summer 2020) (available at https://ij.org/report/policing-for-profit-3/) (last visited April 16, 2026)	6
Michael D. Makowsky et al., To Serve and Collect: The Fiscal and Racial Determinants of Law Enforcement, 48 J. Legal Stud. 189, 211 (2019).....	8
Nevada Attorney General, “Annual Forfeiture Reporting” (available at https://ag.nv.gov/Hot_Topics/Annual_Forfeiture_Reporting/) (last visited April 16, 2026)	2
Nevada Attorney General, “Annual Forfeiture Reporting” available at (https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/AGGREGATE%20FORFEITURE%20REPORT%202024-2025.pdf) (last visited April 24, 2026)	6

Identity Of Amicus Curiae And Statement Of Interest

This brief is in support of Appellant Sebastian Filutowski and this Court should find that the district court erred in denying Filutowski's permanent injunction.

The American Civil Liberties Union of Nevada is a nonprofit, nonpartisan organization dedicated to defending the principles embodied in the United States and Nevada Constitutions and our nation's civil rights laws. The ACLU of Nevada advocates on behalf of Nevadans and their constitutional rights. That includes contributing amicus support on the topic of civil asset forfeiture when a case arises. The ACLU of Nevada, its civil rights clients seeking justice, and its members and donors have a material interest in the outcome of this appeal.

Nevada Attorneys for Criminal Justice is a state-wide non-profit organization of criminal defense attorneys in Nevada. Nevada Attorneys for Criminal Justice has an interest in this case because its members represent individuals charged with crimes that serve as the basis for civil forfeiture, and often represent individuals in their civil forfeiture proceedings.

This case is a direct continuation of a civil liberties struggle the ACLU of Nevada and NACJ have followed closely. The ACLU of Nevada and NACJ have

previously filed amicus briefs before this Court in civil asset forfeiture cases.¹ The question now before this Court is whether Nevada law enforcement may circumvent the adversarial processes necessary to protect the civil liberties of those facing civil forfeitures. This question is of acute concern to the ACLU of Nevada and NACJ as this case represents a violation of civil liberties by a Nevada law enforcement agency. This brief addresses those civil liberty concerns, and supplements but does not duplicate the arguments presented by Appellant.

No party or party's counsel to this matter authored this brief in whole or in part. No party or party's counsel to this matter contributed money intended to fund preparation or submission of this brief. No person other than amicus and its counsel contributed money intended to fund preparation or submission of this brief.

Argument

Nevada law enforcement agencies seize millions of dollars in civil asset forfeitures each year.² The Nevada Legislature built procedural safeguards into the system such as probable cause hearings, forfeiture complaints, and evidentiary

¹ See e.g. American Civil Liberties Union of Nevada & Nevada Attorneys for Criminal Justice, Brief of Amici Curiae in Support of Appellants' Opening Brief, *Spencer v. City of Henderson*, No. 88629 (Nev. Sept. 26, 2024); American Civil Liberties Union of Nevada, Brief of Amici Curiae in Support of Respondent's Brief, *State Dept. of Public Safety v. Lara*, No. 90943 (April 22, 2026).

² Nevada Attorney General, "Annual Forfeiture Reporting" (available at https://ag.nv.gov/Hot_Topics/Annual_Forfeiture_Reporting/) (last visited April 16, 2026)

standards. These safeguards are inadequate but make progress in staunching civil forfeitures as agencies that keep what they seize have a perverse financial incentive in seizing as much as possible, through whatever mechanism is most efficient, with as little judicial oversight as possible.

LVMPD's CIG Policy is both evidence of these perverse incentives and an attempt to circumvent the limited safeguards in place.³ CIG detectives built a system which avoids the safeguards normally in place for forfeiture proceedings. Under LVMPD's CIG Policy detectives can obtain an ex parte warrant, designate a property owner as a "secondary victim" without notice or hearing, and transfer the "secondary victim's" money directly to a "primary victim" without filing a forfeiture complaint or holding an adversarial proceeding. Appellant's Opening Brief at 10. This is comparable to efforts by other agencies to use federal adoption to circumvent Nevada law.⁴

³ The Cyber Investigative Group ("CIG") within the Las Vegas Metropolitan Police Department ("LVMPD") relies on the guidelines within the Digital Investigation Bureau's Unit Manual ("CIG Policy") to conduct the challenged forfeitures here.

⁴ The federal adoption program allows a state agency to transfer seized property to the federal government and receive more proceeds from the seizure than permissible under Nevada law. Amici do not address federal adoption in this brief as they have recently submitted a brief of amicus curiae on this topic to the Nevada Supreme Court. See American Civil Liberties Union of Nevada, Brief of Amici Curiae in Support of Respondent's Brief, *State Dept. of Public Safety v. Lara*, No. 90943 (April 22, 2026).

Victimized by the civil forfeiture, federal adoption, and the CIG Policy, the practical consequences for Filutowski were severe. He had to retain counsel, contact seven different government offices and officials before anyone would tell him what had happened to his money, file suit, litigate through a hearing on shortened time, survive a denial, engage in expedited discovery, move for summary judgment, attend an evidentiary hearing, and ultimately wait 199 days before LVMPD returned his \$57,357.14. The financial burden of that process far exceeded what it would have cost LVMPD to comply with the constitutional requirements that Filutowski is now asking this Court to enforce.

Nevada's forfeiture system creates financial incentives that reward agencies for seizing aggressively and resolving forfeitures through processes that minimize judicial scrutiny. LVMPD's CIG Policy and the process of federal adoptions are both a result and evidence of these perverse incentives. Without injunctive relief, agencies will continue to utilize civil forfeitures, the CIG Policy, and federal adoptions and without the ability to recover the full financial damages incurred, including attorney fees, victims of the policy will never be made whole.

I. Nevada’s civil forfeiture system creates perverse financial incentives that reward aggressive seizure and discourage compliance with procedural safeguards.

Nevada law enforcement agencies collect approximately three million dollars per year in reported civil asset forfeitures.⁵ Under NRS 179.118(2)(b), the proceeds of those forfeitures are returned to the seizing agency. The Legislature partially stanchied that incentive through NRS 179.1187(2), which requires agencies to transfer seventy percent of any money over \$100,000 remaining at fiscal year end to the county school district. But that obligation applies only to funds that remain unspent at the close of the fiscal year. An agency that focuses on cash forfeitures and spends its forfeiture proceeds before year’s end owes nothing to the school district. The statute creates not only an incentive to seize cash, but an incentive to spend quickly, before the fiscal year closes.

The forfeiture data confirms what the incentive structure predicts. LVMPD recorded \$1,636,781.89 in civil asset forfeiture funds in the 2024-25 fiscal year.⁶ Cash seizures account for approximately seventy percent of all civil asset forfeitures nationwide. Nevada exceeds that average substantially as on average about 92% of Nevada forfeitures involve cash. LVMPD takes this to an even further extreme as in

⁵ Nevada Attorney General, “Annual Forfeiture Reporting” (available at https://ag.nv.gov/Hot_Topics/Annual_Forfeiture_Reporting/) (last visited April 16, 2026)

⁶ LVMPD actually seizes significantly more than is actually forfeited to the agency as the entire amount seized in 2024-25 was \$2,236,666.96.

the 2024-25 fiscal year LVMPD forfeitures were 99.5% cash forfeitures.⁷ This money is not going to the schools either. Of the \$1,636,781.89 in civil asset forfeiture funds, LVMPD transferred only \$444,938.19 to the school district. That means LVMPD is retaining over 70% of the funds when instead they should sending 70% to Nevada schools. The rest was spent or retained before the transfer obligation could attach. The incentive structure works exactly as anyone seeking profit would be expected to behave.

There is also an inherent flaw in all civil forfeiture proceedings in that fighting a proceeding often costs more than that the amount seized. For example, the Institute for Justice has found that the minimum cost to challenge a civil forfeiture in state court is approximately \$3,000.⁸ The median forfeiture value in Nevada from 2016 through 2018 was \$908.⁹ In that same period, roughly half of all Nevada forfeitures involved amounts below \$908.¹⁰

⁷ Nevada Attorney General, “Annual Forfeiture Reporting” available at (<https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/AGGREGATE%20FORFEITURE%20REPORT%202024-2025.pdf>) (last visited April 24, 2026) at 169-197 (showing that of the \$1,636,781.89 in civil asset forfeiture funds only \$8479.25 of the forfeiture amount was from non-currency sources)

⁸ Institute for Justice, “Policing for Profit, The Abuse of Civil Asset Forfeiture,” at 117 (3d ed. Summer 2020) (available at <https://ij.org/report/policing-for-profit-3/>) (last visited April 16, 2026)

⁹ Id.

¹⁰ Id.

Nevada law enforcement are not shy about their reasons for engaging in civil forfeitures either. In an amicus brief LVMPD claimed that without access to money from the federal government via equitable sharing, a process where the federal government and local government share civil forfeiture proceeds, the organization would have a “diminished incentive” to address federal-state public safety issues.¹¹ LVMPD then claims that being ineligible for the federal equitable sharing program undermines the organization’s ability to work collaboratively with the federal government on programs such as the Southern Nevada Human Trafficking Task Force.¹² If the work is worth doing and actually makes Nevadans safer, whether Nevada’s agencies can participate in the federal adoption should be a non-factor.

Cash is seized at higher rates not because cash is disproportionately connected to crime, but because cash is easy to seize, easy to spend, and difficult for owners to recover. Civil asset forfeiture programs are about maximizing profit for the agency, not public safety. Forfeitures increase during periods of fiscal distress for law

¹¹ Las Vegas Metropolitan Police Department, Brief of Amici Curiae in Support of Appellant’s Brief, *State Dept. of Public Safety v. Lara*, No. 90943 (April 22, 2026) at 14.

¹² *Id.* at 11-12

enforcement agencies.¹³ This is not a coincidence. It reflects an institutional response to an incentive structure that makes seizure profitable.

II. LVMPD’s CIG policy has the same impact on an injured party as a civil asset forfeiture but avoids procedural safeguards.

LVMPD’s CIG Policy follows a similar pattern as civil asset forfeiture but skirts the restrictions imposed by Nevada law on that process. Where a conventional forfeiture involves a court proceeding that the property owner can use to contest the taking, the CIG Policy offers no process prior to seizing and reallocating the asset. CIG detectives serve simultaneously as investigators and decision-makers. A detective obtains an ex parte warrant authorizing transfer of property to a designated “primary victim” with no notice to the actual property owner, no opportunity to contest the classification, and no adversarial review. LVMPD’s own Rule 30(b)(6) witness testified that the CIG has never filed a property forfeiture. The CIG Policy eliminates even the nominal procedural protections Nevada law provides.

The consequences for Filutowski were direct. He sold his Camaro in a legitimate arms-length transaction to a third party. He then received \$58,000 in cryptocurrency that he converted to U.S. dollars. Detective Brown then demanded

¹³ Michael D. Makowsky et al., To Serve and Collect: The Fiscal and Racial Determinants of Law Enforcement, 48 J. Legal Stud. 189, 211 (2019) (this study found that cash forfeitures increase during periods of fiscal distress for law enforcement agencies confirming that seizure decisions respond to agency budget pressures, not crime patterns.)

that Filutowski's bank freeze his accounts, obtained an ex parte warrant authorizing release of Filutowski's \$57,357.14 "to the victim," and later submitted an inventory report to the court that omitted material facts. Filutowski was not the perpetrator of the underlying theft. He was not even the buyer in the transaction that generated the stolen funds. He was a bystander whose money LVMPD decided to take and give to someone else, without telling him, without charging him, and without any hearing at which he could have challenged that determination.

As LVMPD's CIG Policy generates no forfeiture proceeding at all, there is no standard adversarial vehicle through which to contest the taking. Filutowski was forced to file a civil lawsuit, litigate against multiple respondents, move for relief on shortened time (which was denied), engage in expedited discovery, present an evidentiary hearing, and still wait 199 days before LVMPD returned his money without interest. The institutional incentives that drive Nevada's forfeiture system produced precisely this outcome: an agency acts aggressively, uses an internal policy to avoid adversarial scrutiny, and forces the property owner to absorb the full cost of vindicating rights that the Constitution has always protected.

The permanent injunction Filutowski seeks would interrupt this dynamic by requiring that forfeiture-equivalent deprivations be pursued through a process that gives property owners prompt adversarial review before a neutral decision-maker. Appellant's Opening Brief at 72-73. That is what the financial restrictions embedded

in Nevada's current system have systematically failed to deliver as a state agency can too easily sidestep the guardrails provided by the Nevada Legislature.

III. Irreparable harm occurs at the moment of seizure, not after the owner has exhausted every available remedy.

The district court denied Filutowski a permanent injunction in part by treating the question of irreparable harm as moot. Docketing Statement at 214. The district court reasoned that because the court had already ordered LVMPD to return his \$57,357.14, the harm had been remedied and no ongoing irreparable injury remained to be addressed. That analysis is wrong, and if accepted it would make civil forfeiture one of the only categories of government conduct in Nevada where a constitutional violation goes without structural relief so long as a court eventually orders property returned after months of litigation.

Amici ACLU of Nevada's brief in *Planned Parenthood Mar Monte, Inc. v. State of Nevada*, Supreme Court No. 91394, identified this error in a different context. There, the district court denied a temporary injunction on the grounds that plaintiffs had not yet demonstrated that they would suffer harm they could not remedy through other means. Amici ACLU of Nevada argued that this approach conflates the question of whether irreparable harm exists with the question of whether the plaintiff has already suffered it.

The due process violations that result from a facially unconstitutional law "present imminent, cognizable injury even in the absence of an enforcement action."

See Isaacson v. Mayes, 84 F.4th 1089, 1099 (9th Cir. 2023). It follows that the harm is not erased because a court later provides relief; the violation and the injury it caused are already complete. *See Livingston v. Washoe Cnty.*, 112 Nev. 479, 485 (1996) (“[I]n the event a district court refuses to grant a requested forfeiture after months of property deprivation, that determination does not cure the temporary deprivation of property that could have been prevented by an earlier hearing.”).

This parallels Filutowski’s case. Irreparable harm in a civil forfeiture does not arise when the court finally orders property returned. It arises the moment the property is seized, because the constitutional injury occurs at the time of the deprivation not once the deprivation ends. When Detective Brown obtained an ex parte warrant and transferred Filutowski’s \$57,357.14 to a third party with no notice, no adversarial proceeding, and no opportunity to be heard, that transfer was the constitutional violation. The 199 days Filutowski then spent litigating to undo it were the direct and measurable consequences of that violation. Filutowski incurred significant attorney fees, engaged in full discovery, and attended an evidentiary hearing. The eventual return of the principal does not undo any of those consequences and does not address the systemic practice that produced them.

This Court has recognized Nevada courts’ “broad equitable power” in a range of contexts, including the issuance of injunctive relief to prevent ongoing constitutional violations. *Hawkins v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*,

133 Nev. 900, 904, 407 P.3d 766, 770 (2017). As the ACLU amicus in *Planned Parenthood* explained, so long as a court-ordered remedy would address at least some part of the harm, Nevada courts are well-equipped to issue that remedy. The question is not whether every aspect of the wrong has been cured, but whether the injunction would prevent future violations of the same kind.

Here it would. LVMPD's CIG Policy is a department-wide policy, memorialized in writing, pursuant to which CIG detectives routinely used an *ex parte* warrant mechanism to transfer seized property without filing a forfeiture complaint, without holding an adversarial hearing, and without informing property owners of what had happened or how to contest it. Federal adoption is a widespread process used by police agencies to circumvent the civil forfeiture process in Nevada.¹⁴

Without an injunction, the next person whose cash is designated "proceeds" and transferred through the CIG Policy or whose cash is sent to the federal government through federal adoption faces the same 199-day ordeal Filutowski endured and unlike Filutowski most will lack the resources to fight it. Returning Filutowski's specific funds does nothing to prevent that outcome. Courts do not require a second victim to prove that an unconstitutional practice will continue producing constitutional violations. *See In re T.R. v. State*, 119 Nev. 646, 651 (2003)

¹⁴ See American Civil Liberties Union of Nevada, Brief of Amici Curiae in Support of Respondent's Brief, *State Dept. of Public Safety v. Lara*, No. 90943 (April 22, 2026)

(claims are ripe for pre-enforcement review when the threat of harm is credible, not merely hypothetical).

IV. Filutowski’s case is not moot as he is entitled to recover attorney fees as special damages for being forced to litigate to recover personal property taken without lawful basis.

Even if this Court is unwilling to staunch LVMPD and other agencies exploitation in the form of civil forfeitures, Filutowski still has a claim for relief as he is entitled to recover the attorney fees spent to recover his property.

Nevada follows the American Rule so generally each party bears its own attorney fees absent a statute, court rule, or contractual provision. *Pardee Homes of Nev. v. Wolfram*, 135 Nev. 173, 174, 444 P.3d 423, 424 (2019). But Nevada recognizes an important exception. Attorney fees are recoverable as special damages when hiring an attorney is absolutely necessary to remedy a harm caused by the defendant’s conduct. *Liu v. Christopher Homes, LLC*, 130 Nev. 147, 155–56, 321 P.3d 875, 880 (2014).

This Court established in *Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass’n* that attorney fees are appropriate as special damages “in recovering real or personal property acquired through the wrongful conduct of the defendant or in clarifying or removing a cloud upon the title to property.” 117 Nev. 948, 957, 35 P.3d 964, 970 (2001). The Court has further explained that special damages are justified when “fairness requires the plaintiff to have some recourse against the intentional

malicious acts of the defendant.” *Horgan v. Felton*, 123 Nev. 577, 585, 170 P.3d 981, 987–88 (2007). To recover fees as special damages, a party must comply with NRCPC 9(g), plead the claim in the complaint or counterclaim, and prove the fees with competent evidence at trial. *Pardee Homes*, 135 Nev. at 177. The fees are recoverable as “an element of damages” rather than as “a cost of litigation.” *Sandy Valley*, 117 Nev. at 955, 35 P.3d at 968–69.

The facts of this case map directly onto the *Sandy Valley* framework. Detective Brown, operating under LVMPD’s CIG Policy, caused Filutowski’s money to be transferred to a third party through an ex parte warrant. He did so without serving Filutowski notice of any proceeding, without filing a forfeiture complaint, and after submitting an inventory report to the court that materially misrepresented the facts. Appellant’s Opening Brief at 3. Filutowski did not discover what had happened through any official notification. He found out by contacting Truist himself, then spent weeks attempting to reach Detective Brown, LVMPD’s public information officer, the Nevada Attorney General, LVMPD’s Police Union’s general counsel, the Clark County District Attorney, and the Eighth Judicial District Court helpdesk, none of whom provided him the case number, the court, or any other information about the warrant. *Id.* at 3-4. LVMPD then rejected his public records request for a copy of the warrant outright. *Id.*

Retaining counsel was not a choice Filutowski made to pursue an affirmative legal claim. It was the only mechanism available to him to recover personal property LVMPD had taken and transferred to someone else, through a process designed from the outset to prevent him from learning it had occurred. The fees he incurred are not the ordinary costs of civil litigation instead they are the direct and unavoidable consequence of LVMPD's conduct.

As mentioned above, the cost to challenge a civil forfeiture often outweighs the money recoverable. Filutowski's situation was substantially more expensive as he was effectively without any standard forfeiture proceeding to contest, LVMPD resisted every avenue he pursued to find out what had happened to his money, and the district court initially denied him even an expedited hearing. Recovering attorney fees as special damages is the mechanism that makes vindicating these constitutional rights possible.

[intentionally blank]

Conclusion

Amici respectfully urge this Court to reverse and remand the district court's order. Amici also respectfully urge this Court to issue an injunction prohibiting the current civil forfeiture scheme, federal adoption, and the use of the CIG policy. Lastly, Amici urge this Court to issue an injunction such as the one offered by Respondent in his Opening Brief.

Dated: April 27, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jacob T. S. Valentine', written over a horizontal line.

Jacob T. S. Valentine (16324)
Counsel for Amici
ACLU of Nevada and NACJ

Certificate of Compliance

I certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6) as this brief is in proportionally spaced Times New Roman 14 point font and is double spaced. This brief complies with page or type-volume limitations of NRAP 32(a)(7) because other than those parts exempted by NRAP 32(a)(7)(c) because it is proportionally space, has a typeface of 14 point, and contains less than 3,000 words. I have read this brief and to the best of my knowledge, information, and belief it is not frivolous or interposed for any improper purpose. Lastly, I certify that this brief complies with all other applicable rules of the Nevada Rules of Appellate Procedure including NRAP 28(e) and I understand that I may be subject to sanctions if this brief fails to comply with the requirements outlines within the Nevada Rules of Appellate Procedure.

Dated: April 27, 2026




Jacob T. S. Valentine (16324)
ACLU of Nevada

Certificate of Service

I hereby certify that on April 20, 2026, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system and I served a true and correct copy of the same via the Court's e-service system.

Dated: April 27, 2026

A handwritten signature in black ink, appearing to read 'Jacob T. S. Valentine', is written above a horizontal line.

Jacob T. S. Valentine (16324)
ACLU of Nevada