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**NICHOLAS G. VASKOV, CITY ATTORNEY**

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*Via Email*

March 22, 2022

State of Nevada  
Advisory Council for Prosecuting Attorneys  
c/o Jessica Adair, Chief of Staff  
Office of the Attorney General  
100 N. Carson Street  
Carson City, Nevada 89701

Re: 2022 Nomination – William J. Raggio Award

Dear Advisory Council Members:

It is my honor to nominate Marc Schifalacqua, Senior Assistant City Attorney for the City of Henderson, for the 2022 William J. Raggio Award. Since 1998 this award has been presented annually to a prosecutor who contributes significantly to the improvement of the administration of justice in Nevada.

This year no one is more deserving of this award than Marc. As you know, in September of 2019 the Supreme Court of Nevada issued a precedent setting decision in *Anderson v. City of Las Vegas*<sup>1</sup>, ruling for the first time that defendants charged under Nevada's misdemeanor domestic battery statute are entitled to a jury trial. This left municipal prosecutors in a lurch – wanting to protect victims of domestic battery but unable to prosecute those cases because most municipal courts lacked the infrastructure necessary to conduct jury trials. Making matters worse, despite the *Anderson* decision, it was not clear that municipal courts had authority to conduct jury trials if they could even manage to hold them. As a result, some local governments simply stopped charging domestic battery cases entirely in favor of the lesser offense of simple battery. This practice prevented subsequent cases from being enhanced to felonies – an important deterrent and protection for victims.

Marc had other ideas - and a better way in mind. Within hours of the *Anderson* decision, he began work on a local domestic violence ordinance that would allow the City of Henderson to temporarily continue to prosecute domestic battery cases. This bought the City's municipal court time to prepare for jury trials, including constructing courtroom improvements and developing a jury summons process. The City's local domestic violence ordinance became a model that other local governments adopted.

Marc also realized that in order for municipalities to make the kinds of investments necessary to prepare for jury trials they would need clear legal authority to hold such trials. As a result, he led a post-*Anderson* legislative effort to grant municipal courts that authority. That effort

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<sup>1</sup> 135 Nev. Advance Opinion 42 (2019)

started as a City of Henderson bill draft request and became Assembly Bill 42 (2021). That bill was vetted by the Assembly and Senate judiciary committees, approved by both houses, and signed by the Governor on June 2, 2021. Marc was the driving force behind AB 42. He drafted the language for the bill with his team, he coordinated with other local governments, he met with supporters and opponents alike, and he lobbied legislators and testified at committee hearings. Without Marc's efforts – misdemeanor domestic violence would no longer be a prosecutable crime in Nevada. Victims of misdemeanor domestic violence are safer, and the administration of justice is improved because of Marc's efforts.

Marc also spearheaded the City's post-*Anderson* litigation and appellate work. This included defending the constitutionality of the City's local domestic violence ordinance in a pair of challenges before the Eighth Judicial District Court. It also included successfully defending the City's past domestic violence convictions against attack before the Nevada Supreme Court in *Hildt v. City of Henderson*<sup>2</sup>. That case was an effort to have the *Anderson* decision applied retroactively. A different result would have had disastrous consequences for prior convictions statewide.

Marc has served as the City's chief prosecutor for seven years. Previously he served as both Deputy and Chief Deputy District Attorney for the Clark County District Attorney's office. In 2014, he conducted the first sex trafficking jury trial in Nevada while assigned to the Special Victims' Unit.

Outside of work Marc is a busy father of two and supportive husband of a fellow prosecutor – Clark County Chief Deputy District Attorney Barbara Schifalacqua. He currently serves on the Board of Directors for a local nonprofit, Living Grace Homes, which provides housing and support services to homeless expectant mothers. He is also a graduate of Leadership Henderson (Class of 2020).

Finally, it is worth noting that, to the best of my knowledge, a municipal prosecutor has never received the William J. Raggio Award. This nomination is an opportunity to change that and to recognize that municipal prosecutors play a vital role in administration of criminal justice in this State.

Thank you in advance for your consideration of this nomination. If you have any questions or need additional information about Marc's qualifications and outstanding work - please feel free to contact me.

Best regards,



Nicholas G. Vaskov  
City Attorney

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<sup>2</sup> 137 Nev. Advance Opinion 12 (2021)