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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JOSE VALDEZ-JIMENEZ	)	
Petitioner,	)	Supreme Court No. 76417
	)	
vs.	)	
	)	
THE EIGHTH JUDICIAL	)	
DISTRICT COURT,	)	
Respondent	)	
_____	)	

**REPLY IN SUPPORT OF MOTION**  
**OF NATIONAL LAW PROFESSORS TO FILE AMICUS BRIEF**

On July 25, 2019, a group of distinguished scholars requested permission from this court to file an Amicus Brief. The content of the Brief is described as follows:

*Amici* seek to assist the Court's consideration of the issues before it by providing (1) an overview of Supreme Court jurisprudence and scholarship addressing federal constitutional constraints on depriving

the indigent of pretrial liberty, and (2) a short history of legal protections applied to bail and pretrial detention from pre-Norman England to today.

Proposed Brief of Amici, p. 2.

The brief then addresses those issues. The Motion seeking permission to file the Brief acknowledges that the brief is untimely but explains that the Professors were unaware of the litigation until very shortly before the request was made.

On July 31, 2019, the State filed an Opposition to the request and merely incorporated by reference its previous Opposition to a request made by the National Association of Pretrial Services Agencies, Pretrial Justice Institute and National Association for Public Defense. That Opposition was filed on July 16, 2019. The State made two arguments: 1) the request was untimely; 2) the amicus brief makes a “political argument in favor of bail reform.” On July 24, 2019, this court entered an Order denying the request to file the brief on the grounds argued by the State, including that the proposed brief “raises new issues ancillary to the subject of the instant proceeding.”

The proposed brief of the Law Professors does not make a political argument. Rather, it provides constitutional history and authority that should be considered by the court. The proposed brief does not raise new issues not raised below but it expands on the discussion of serious constitutional issues raised by

Petitioner. Accordingly, the State's previously-filed Opposition does not assist in the resolution of the instant Motion.

The timeliness issue, incorporated only by reference in the State's Opposition primarily complains that oral argument may have to be reset and that the need to expedite the case will be frustrated. This petition was filed a year ago. The time to expedite the case has long passed. Any delay caused by the consideration by this court of the scholarship of the Law Professors is far outweighed by the assistance to the consideration of the important issues raised in this Petition which the proposed brief will provide.

Amici Law Professors urge the court to permit the filing of the proposed brief.

Dated this 31<sup>st</sup> day of July, 2019.

**LAW OFFICE OF FRANNY FORSMAN**

/s/ Franny Forsman  
Franny A. Forsman  
Attorney for Amici Law Professors

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 31st day of July, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD  
STEVEN S. OWENS

NANCY M. LEMCKE  
CHRISTY L. CRAIG

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

HON. MARY KAY HOLTHUS  
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CHARLES L. GERSTEIN, ESQ.  
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Dated: July 31, 2019

/s/ Franny Forsman  
Franny Forsman  
*Counsel for Amici*