

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

JOSE VALDEZ-JIMENEZ,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT)  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, AND THE  
HONORABLE MARK BAILUS,  
DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

Case No: 76417

Electronically Filed  
Aug 19 2019 04:59 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

AARON WILLARD FRYE,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, AND THE  
HONORABLE JERRY A. WIESE,  
DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

Case No: 76845

**PETITIONERS' RESPONSE TO PROSPECTIVE AMICUS  
AMERICAN BAIL COALITION'S MOTION FOR LEAVE TO FILE  
AMICUS BRIEF**

Comes now Petitioners JOSE VALDEZ-JIMENEZ and AARON WILLARD FRYE, by and through their counsel, Nancy M. Lemcke and

Christy L. Craig, Chief Deputy Public Defenders, and respectfully submits the instant Response to Prospective Amicus American Bail Coalition's Motion for Leave to File an Amicus Brief.

DATED this 19 day of August, 2019.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER  
By /s/ Nancy L. Lemcke  
NANCY L. LEMCKE, #5416  
Chief Deputy Public Defender

### **ARGUMENT**

Petitioners respectfully submit this Response to clarify their position with respect to prospective amicus American Bail Coalition's motion for leave to file. Petitioners, as they indicated to Respondent's counsel by email (see Exhibit A (email)), do not oppose the motion, *provided Petitioners have the opportunity to respond*. Respondent was given the opportunity to respond to Petitioner's amici. Petitioners ask that they be afforded a similar opportunity if this Court accepts the proposed amicus brief.

DATED this 19 day of August, 2019.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER  
By /s/ Nancy L. Lemcke  
NANCY L. LEMCKE, #5416  
Chief Deputy Public Defender

## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 19 day of August, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD

CHRISTY L. CRAIG

STEVEN S. OWENS

NANCY M. LEMCKE

HOWARD S. BROOKS

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

MARK BAILUS  
District Court, Department XVIII  
200 Lewis Avenue  
Las Vegas, NV 89101

JERRY A. WIESE  
District Court, Department XXX  
200 Lewis Avenue  
Las Vegas, NV 89101

By /s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office

# **EXHIBIT A**

**Christy L. Craig**

---

**From:** Christy L. Craig  
**Sent:** Tuesday, August 13, 2019 1:31 PM  
**To:** Steven Owens  
**Subject:** RE: Valdez-Jimenez and Frye

**I am not opposed to you filing a brief and a corresponding motion for leave to file the brief that comports with the structure set forth in the NSC's August 1, 2019 order provided we have the opportunity to respond.**

**From:** Steven Owens <Steven.Owens@clarkcountyda.com>  
**Sent:** Monday, August 12, 2019 4:50 PM  
**To:** Christy L. Craig <craigcl@ClarkCountyNV.gov>  
**Cc:** Nancy Lemcke <lemckenl@ClarkCountyNV.gov>  
**Subject:** Valdez-Jimenez and Frye

Christy,

A local attorney, Tracy DiFillippo, would like to file an amicus brief on behalf of the American Bail Coalition in support of my position and intends to file by this Friday. I understand that they've filed amicus briefs in other cases across the country with our same issue. This would be in response to the recent amicus briefs filed by Law Professors and Social Scientists which the Court allowed in your support. I'm asking if Valdez-Jimenez and Aaron Frye would consent to the filing of the amicus brief so that she may represent such in her motion. See NRAP 29(a). Let me know. Thanks.

**Steven S. Owens**  
Clark County District Attorney's Office  
Criminal Appeals Unit  
[Steven.Owens@clarkcountyda.com](mailto:Steven.Owens@clarkcountyda.com)  
(702) 671-2750