

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMINEZ,)	Case Nos. 76417
Petitioner,)	Electronically Filed
vs.)	Jul 25 2019 04:17 p.m.
THE EIGHTH JUDICIAL DISTRICT)	Elizabeth A. Brown
COURT OF THE STATE OF NEVADA,)	Clerk of Supreme Court
IN AND FOR THE COUNTY OF CLARK;)	
AND THE HONORABLE MARK B.)	
BAILUS, DISTRICT JUDGE,)	
Respondents,)	
and)	
THE STATE OF NEVADA,)	
Real Party In Interest.)	
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AARON WILLARD FRYE,)	Case Nos. 76845
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.)	
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NATHAN GRACE,)	Case Nos. 76947
Petitioner,)	
vs.)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA,)	
IN AND FOR THE COUNTY OF CLARK;)	
AND THE HONORABLE MICHAEL)	
VILLANI, DISTRICT JUDGE,)	
Respondents,)	
and)	
THE STATE OF NEVADA,)	
Real Party in Interest.)	
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MOTION FOR LEAVE OF COURT PURSUANT TO NRAP 29(f)
FOR LATER FILING OF AMICI CURIAE BRIEF IN SUPPORT OF
PETITIONERS' CONSOLIDATED PETITIONS FOR WRIT OF
MANDAMUS

Law Professors are prepared to file an amici curiae brief with this motion for leave to file an amici curiae brief in accordance with Nevada Rule of Appellate Procedure (NRAP) 29 in support of the consolidated Petitions for Writ of Mandamus filed by Petitioners Jose Valdez-Jimenez, Nathan Grace, and Aaron Frye. These petitions were filed on July 18, August 31, and September 14, 2018, respectively. NRAP 29(f) states that an amicus brief must be filed within seven days after the date the brief of the party being supported is filed. However, this Court “may grant leave for later filing[.]” For the reasons discussed below, Amici respectfully move this Court for leave to file the Amicus Brief by July 26, 2019.

Amici are law professors who teach and write about criminal, procedural, and constitutional law. Several amici direct clinics, participate in criminal litigation at bail hearings and other pretrial proceedings, or study those proceedings.

This Honorable Court should grant this motion for the following reasons. First, before the court are constitutional arguments about pretrial detention and release. Amici seek to assist the Court’s consideration of these issues by providing an overview and explanation of United States

Supreme Court jurisprudence and scholarship addressing federal constitutional constraints on depriving the indigent of pretrial liberty. To this end, Amici also provide a short history of legal protections applied to bail and pretrial detention from pre-Norman England to today. This history, context and explanation will assist this Honorable Court in understanding the law that governs this case; indeed it has helped other state and federal courts contemplating similar constitutional challenges to pretrial detention. See e.g. Brief of Amici Curiae Law Professors in Support of Respondent, In re Humphrey, 19 Cal App 5th 1006 (Ct. App. 2008); Brief of Amici Curiae Law Professors in Support of Appellants-Cross Appellees, Daves v. Dallas County, Texas, No. 18-11386 (5th Cir. filed Jan. 30, 2019).

Second, Amici are not involved in the proceedings below and only recently became aware of Petitioners' challenges to the Clark County money-bail system. Once aware, Amici have moved as expeditiously as possible to prepare a brief to aid this Court in resolution of this case. Third, although Petitioners' challenges were filed as long as more than a year ago, oral argument was only recently scheduled in this case and does not take place for almost six weeks. Accordingly, no party will be prejudiced if this motion is granted.

For the forgoing reasons, Amici Law Professors respectfully request their Motion for Leave to File a Later Amicus Brief be granted.

Dated this 25th day of July, 2019.

Respectfully submitted,

By /s/ Franny Forsman
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 25th 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:

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