

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Oct 12 2018 10:43 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JOSE VALDEZ-JIMINEZ)	Case No. 76417
Petitioner,)	
)	
vs.)	Dist. Ct. C-18-332277-1
)	
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.)	
)	
)	

MOTION FOR LEAVE TO FILE SUPPLEMENTAL APPENDIX
AND REPLY IN SUPPORT OF PETITION FOR A WRIT OF
MANDAMUS

COMES NOW Petitioner, JOSE VALDEZ-JIMENEZ, by and through his attorney, NANCY LEMCKE, Deputy Public Defender, and moves this Honorable Court for leave to file a Supplemental Appendix and a Reply in Support of Petition for a Writ of Mandamus. Petitioner further

requests leave to file the aforementioned briefing submissions through and including Friday, October 19, 2018.

This Motion is based upon the following Memorandum and all papers and pleadings on file herein.

DATED this 10th day of October, 2018.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Nancy M. Lemcke
NANCY M. LEMCKE, #5416
Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

ARGUMENT

Petitioner's Mandamus Petition challenges the constitutionality of the means by which Clark County courts determine the issue of bail and pre-trial detention in criminal cases. This amounts to a constitutionally significant question of first impression that is a matter of statewide importance. Such an issue is best resolved via a thorough and complete accounting of the jurisprudence bearing on the matter. Accordingly, Petitioner is requesting leave of this Honorable Court to file a Reply in Support of his Petition for Writ of Mandamus.

Petitioner is also requesting leave to file a Supplemental Appendix. Petitioner's Supplemental Appendix consists only of two lower court transcripts: transcripts of the indictment return at which prosecutors sought and obtained an indictment warrant with a bail setting of \$40,000 as well as transcripts of Petitioner's initial appearance and arraignment on the indictment. Since the issues prosecuted in the instant Mandamus Petition derive from those proceedings, both are relevant, if not critical, to this Honorable Court's adjudication of the instant matter.

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Petitioner is requesting through and including Friday, October 19, 2018 within which to file the above-referenced briefing submissions.

Respectfully submitted,

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Nancy M. Lemcke
NANCY M. LEMCKE, #5416
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309 So. Third Street, Suite #226
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(702) 455-4685

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 11 day of October, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT
STEVEN S. OWENS

NANCY M. LEMCKE
CHRISTY L. CRAIG
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, Dept. XVIII
200 Lewis Avenue
Las Vegas, NV 89101

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