

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMINEZ,)	Case Nos. 76417
Petitioner,)	Electronically Filed
vs.)	Jul 25 2019 03:53 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.)	
<hr/>		
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.)	
<hr/>		
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.)	
<hr/>		

MOTION FOR LEAVE OF COURT PURSUANT TO NRAP 29(f)
FOR LATE FILING OF AMICI CURIAE BRIEF IN SUPPORT OF
PETITIONERS' CONSOLIDATED PETITIONS FOR WRIT OF
MANDAMUS

Social Scientists 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 eminent academicians in the fields of economics, public policy, sociology, and law, specializing in criminal justice, who have, collectively, reviewed and evaluated virtually all of the published studies on the social effects of incarceration. Applying their extensive work and expertise, their Amicus brief summarizes the results of the most credible and well-researched relevant studies, and will aid the court in properly placing its legal analysis in the context of public policy.

This Honorable Court should grant this motion for the following reasons. First, as the court weighs the appropriate parameters of pretrial detention, the social researcher amici urge the court to weigh in its analysis the significant harm that follows from unnecessary incarceration of any length. The bulk of social science research indicates that incarceration harms the well-being and opportunities of those who are incarcerated, both in the short and long term. Moreover, significant negative effects are also imposed on the families and communities of incarcerated persons. In determining the appropriate guidelines for imposing pretrial detention, these substantial negative effects must be taken into consideration. Indeed, Amici have helped other courts contemplating similar constitutional challenges to pretrial detention. See e.g. Brief of Amici Curiae Social Scientists in Support of Plaintiff-Appellant, *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 Social Scientists 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/ Lisa Rasmussen
Lisa Rasmussen, #7491
Law Office of Lisa Rasmussen
601 South Tenth Street, Suite 100
Las Vegas, Nevada 89101
(702) 471-1436
Lisa@lasmussenlaw.com

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
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:

HON. MARY KAY HOLTHUS
District Court, Dept. XVIII
200 Lewis Avenue
Las Vegas, NV 89101

CHARLES L. GERSTEIN, ESQ.
Pro Hac Vice
Civil Rights Corps
910 17th St. NW
Washington, D.C. 20006

HON. JERRY WIESE
District Court, Dept. XXX
200 Lewis Avenue
Las Vegas, NV 89101

HON. MICHAEL VILLANI
District Court, Dept. XVII
200 Lewis Avenue
Las Vegas, NV 89101

BY /s/ Lisa Rasmussen
Lisa Rasmussen
Counsel for Amici