

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMINEZ,	)	Case Nos. 76417
Petitioner,	)	Electronically Filed
vs.	)	Jul 31 2019 04:04 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.	)	
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.	)	
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.	)	

REPLY TO THE STATE’S (REAL PARTY IN INTEREST)
OPPOSITION TO SOCIAL SCIENTISTS MOTION FOR LEAVE TO
FILE BRIEFS OF AMICI CURIAE

On July 25, 2019, a group of distinguished social scientists from across the country requested permission from this court to file an Amicus Brief. The contents of the proposed brief submitted on behalf of the social scientists describe the contours of the brief as follows:

This brief summarizes social and economic research on the circumstances of pretrial incarceration and its effects on case disposition, recidivism, and socioeconomic opportunities.

and

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.

Proposed Brief of Amici, page 1.

The brief then addresses those issues. The Motion seeking permission to file the Brief acknowledges that the brief is untimely but explains that the Social Scientists were unaware of the litigation until very recently.

On July 31, 2019, the State filed an Opposition to the request and incorporated by reference its previous Opposition to a separate 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. There, the state made two arguments: 1) the request was untimely; and 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 Social Scientists does not make a political argument. Rather, it provides social science data and information related to the subject matter of the Petition, the kind of data that this Court should want to consider in making its determinations. The proposed Social Scientists’ brief does not raise new issues not raised below, it merely provides information to this Court, for this Court’s consideration because the information and data is relevant to the subject matter of the petition and the issues raised by Petitioner. Accordingly, the State’s previously filed Opposition is inapposite here and it does not assist this court in resolution of the pending Motion for Leave to File the Habeas petition.

The timeliness issue, incorporated by reference in the State’s Opposition complains that the 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 data and information provided by the Social Scientists is far outweighed by the assistance that the proposed Amicus Brief provides to the important issues raised in the Petition, which affect not only the petitioner, but potentially many other defendants statewide.

For each of these reasons, the amici social scientists urge this Court to permit the filing of the proposed Social Scientists Amicus Brief.

Dated this 31st day of July, 2019.

Respectfully submitted,

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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:

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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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