

PETITIONERS' EMERGENCY MOTION
TO RESCHEDULE ORAL ARGUMENT

COMES NOW Petitioners, JOSE VALDEZ-JIMENEZ, AARON FRYE, and NATHAN GRACE, by and through their attorneys, NANCY LEMCKE, Deputy Clark County Public Defender, and CHARLES GERSTEIN, Esq., and hereby move this Honorable Court to reschedule the oral argument currently set for July 2, 2019.

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

DATED this 10th day of June, 2019.

DARIN IMLAY
CLARK COUNTY PUBLIC DEFENDER

By /s/ Nancy M. Lemcke
NANCY M. LEMCKE, #5416
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/s/ Charles Gertstein
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ARGUMENT

Petitioners Jose Valdez-Jimenez, Aaron Frye, and Nathan Grace respectfully submit this request to reschedule oral argument for an earlier date. On Friday, June 7, 2019, this Honorable Court issued an Order scheduling oral argument in the instant matter for July 2, 2019 in Carson City, Nevada. Unfortunately, counsel for Petitioners are unavailable on that date. Deputy Public Defender Nancy Lemcke will be out of the jurisdiction from June 29, 2019 until July 12, 2019 on pre-paid travel plans. Charles Gerstein, a Washington, D.C. resident, is also unavailable as his wife is due to give birth to their first child on July 4, 2019. Accordingly, counsel request that the oral argument be rescheduled to a date convenient for the Court and the parties, but prior to Petitioner Jose Valdez-Jimenez's August 12, 2019 trial date.

Undersigned counsel is mindful of the Court's caseload and the inconvenience any rescheduling request necessarily imposes upon the Court. However, given counsel's extensive involvement in litigating the complex and consequential issues raised in the consolidated Petitions, counsel would like to be heard at argument. While counsel would normally request that the argument be rescheduled to *any* date convenient to the Court, the time-sensitive nature of the issues at bar here precludes this. As this Court is

aware, Petitioner Valdez-Jimenez has a pending trial date of August 12, 2019. Mr. Valdez-Jimenez may be irrevocably prejudiced if this Court does not rule on his Petition soon.¹ Accordingly, he respectfully requests this Honorable Court reschedule the oral argument to a date *prior* to the currently-scheduled July 2, 2019 argument.

Dated this 10th day of June, 2019.

Respectfully submitted,
DARIN IMLAY
CLARK COUNTY PUBLIC DEFENDER

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¹ Petitioner Valdez-Jimenez has been incarcerated since his arrest on May 28, 2018. He filed the instant Petition on July 18, 2018. On September 13, 2018, this Court directed the Clark County District Attorney's Office to file an answer, which it filed on October 3, 2018. Petitioner filed a Motion to Expedite Adjudication of his Mandamus Petition on March 6, 2019, which this Court granted on March 18, 2019. On June 4, 2019, the Clark County District Attorney's Office filed a Notice with this Court of Petitioner's trial date, now scheduled for August 12, 2019.

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 10 day of June, 2019. 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:

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BY /s/ Carrie M. Connolly
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