

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, 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,
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,
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.

Case No. 76417

Case No. 76845

Case No. 76947

Electronically Filed
Jul 18 2019 02:07 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

AMENDED MOTION TO ASSOCIATE COUNSEL

Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in Support of Petitioners, hereby move the Court for an order permitting James Bradley Robertson, Esq., to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This motion is supported by the attached Verified Application for Association of Counsel (Exhibit 1), Certificates of Good Standing from Alabama and Illinois (Exhibit 2) and the State Bar of Nevada Statement. (Exhibit 3)

James Bradley Robertson, Esq. has been retained to provide pro bono counsel to Amicus Curiae in support of Petitioner Jose Valdez-Jimenez's Petition for Writ of Mandamus, Petitioner Aaron Willard Frye's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus, and Petitioner Nathan Grace's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus. Included with this motion is an Application for Waiver of Fee Pursuant to Nevada Supreme Court Rule 42(3)(e). (Exhibit 4)

Dated this 18th day of July, 2019.

Respectfully submitted,

/s/ David H. Bashford
David H. Bashford, Esq.
Nevada Bar No. 11774
Bradley Arant Boult Cummings LLP
2686 Knox Street Northeast
Atlanta, GA 30317
Phone: (205) 521-8217
Fax: (205) 488-6217
Email: dbashford@bradley.com

*Counsel for Amicus Curiae National Association of
Pretrial Services Agencies, Pretrial Justice
Institute, and National Association for Public
Defense in Support of Petitioners*

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 18th day of July, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master List as follows:

AARON D. FORD
Nevada Attorney General

NANCY M. LEMCKE
CHRISTY L. CRAIG
Deputy Public Defenders

STEVEN S. OWENS
Chief Deputy District Attorney

I further certify that I served a true and correct copy of this document by first-class mail, postage prepaid, to:

HONORABLE MARK B. BAILUS
Eighth Judicial District Court, Dept. 18
Phoenix Building
330 S. Third Street, CTRM 110
Las Vegas, Nevada 89101

HONORABLE JERRY A. WIESE
Eighth Judicial District Court, Dept. 30
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89101

HONORABLE MICHAEL P. VILLANI
Eighth Judicial District Court, Dept. XVII
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89101

CHARLES LEWIS GERSTEIN, ESQ.
Pro Hac Vice
Civil Rights Corps.
910 17th Street NW, Suite 200
Washington, D.C. 20006

Dated this 18th day of July, 2019.

/s/ Kristine A. Martinez
Employee of Bradley Arant Boult Cummings LLP

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76417
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76845
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76947
AND FOR THE COUNTY OF CLARK,)	
AND THE HONORABLE MICHAEL)	
VILLANI, DISTRICT JUDGE,)	
Respondents,)	
and)	
THE STATE OF NEVADA,)	
Real Party in Interest.)	
<hr/>		

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

James Bradley Robertson , Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 505 Poinciana Drive
Street Address

Homewood , Jefferson County , Alabama , 35209
City County State Zip Code

(773) 710-0700
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Bradley Arant Boult Cummings

LLP with offices at One Federal Place, 1819 Fifth Avenue North
Street Address

Birmingham , Jefferson County , Alabama , 35203
City County State Zip Code

(205) 521-8188 , brobertson@bradley.com
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in Support of Petitioners to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since July 22nd of 2013 petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Alabama where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

DATE ADMITTED

Please see Exhibit A.

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No.

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No.

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to

terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No.

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
<u>None.</u>			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

<u>David</u>	<u>Hill</u>	<u>Bashford</u>	<u>11774</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at Bradley Arant Boult Cummings LLP
Firm Name/Company

<u>2686 Knox Street Northeast</u>	<u>Atlanta</u>	<u>DeKalb County</u>
Street Address	City	County

<u>30317</u>	<u>(205) 521-8217</u>
Zip Code	Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

Please see Exhibit B.

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, James Robertson, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

1) That I am the Petitioner in the above entitled matter.

2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

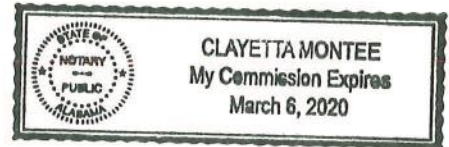
DATED this 9th day of July, 2019

[Signature]
Petitioner/Affiant (blue ink)

STATE OF Alabama)
COUNTY OF Jefferson) ss

Subscribed and sworn to before me

this 9 day of July, 20 19
Clayetta Montee
Notary Public



DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I David Hill Bishop hereby agree to associate with Petitioner referenced hereinabove
Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 11th day of July, 20 19

David Hill Bishop
Nevada Counsel of Record (blue ink)

STATE OF GA)
COUNTY OF DEKALB) ss

Subscribed and sworn to before me

this 11 day of July, 20 19

Lakeshia Devine
Notary Public



EXHIBIT A

Court of Admission	Date of Admission
Alabama	07/22/2013
Illinois	11/08/2007
U.S. District Court for the Northern District of Alabama	09/11/2013
U.S. District Court for the Northern District of Illinois	12/10/2007
U.S. Court of Appeals for the Fifth Circuit	07/18/2017
U.S. Court of Appeals for the Eleventh Circuit	07/11/2016

EXHIBIT B

- 1) Petitioner Jose Valdez-Jimenez, Clark County Detention Center, 330 S Casino Center Blvd., Las Vegas, Nevada 89101.
- 2) Petitioner Aaron Willard Frye, Clark County Detention Center, 330 South Casino Center Blvd., Las Vegas, NV 89101.
- 3) Petitioner Nathan Paul Grace, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070.
- 4) Nancy M. Lemcke and Christy L. Craig, Deputy Public Defenders, Counsel of Record for Petitioners, 309 South Third Street, #226, Las Vegas, Nevada 89155.
- 5) Charles Lewis Gerstein (pro hac vice), Civil Rights Corps, 910 17th Street NW, Suite 200, Washington, DC 20006.
- 6) Honorable Mark B. Bailus, Eighth Judicial District Court, Dept. 18, Phoenix Building, 330 S. Third Street, CTRM 110, Las Vegas, Nevada 89101.
- 7) Honorable Jerry A. Wiese, Eighth Judicial District Court, Dept. 30, Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101.
- 8) Honorable Michael P. Villani, Eighth Judicial District Court, Dept. 17, Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101.
- 9) The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark. Steve B. Wolfson, Clark County District Attorney, and Steven S. Owens, Chief Deputy District Attorney, 200 Lewis Avenue, Post Office Box 55221, Las Vegas, Nevada 89155.
- 10) The State of Nevada. Aaron D. Ford, Nevada Attorney General, 100 North Carson Street, Carson City, Nevada 89701.

EXHIBIT 2

Alabama State Bar

415 DEXTER AVENUE
POST OFFICE BOX 671
MONTGOMERY, AL 36101



STATE OF ALABAMA

COUNTY OF MONTGOMERY

I, Phillip W. McCallum, Secretary of the Alabama State Bar and custodian of its records, hereby certify that James Bradley Robertson has been duly admitted to the Bar of this State and is entitled to practice in all of the courts of this State including the Supreme Court of Alabama, which is the highest court of said state.

I further certify that James Bradley Robertson was admitted to the Alabama State Bar July 22, 2013.

I further certify that the said James Bradley Robertson is presently a member in good standing of the Alabama State Bar, having met all licensing requirements for the year ending September 30, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Alabama State Bar on this the 9th day of July, 2019.

Phillip W. McCallum,
Secretary



Certificate of Admission To the Bar of Illinois

I, Carolyn Taft Grosboll, Clerk of the Supreme Court of Illinois, do hereby certify that

James Bradley Robertson

has been duly licensed and admitted to practice as an Attorney and Counselor at Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on 11/08/2007 and is in good standing, so far as the records of this office disclose.

IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed the
seal of said Court, this 9th day of
July, 2019.



Clerk,
Supreme Court of the State of Illinois

EXHIBIT 3

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 76417

5
6 Jose Valdez-Jimenez

7 vs.

8
9 The Eighth Judicial District
10 Court of the State of Nevada

11
12 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
13 42 (3) (b)

14 THE STATE BAR OF NEVADA, in response to the application of
15 Petitioner, submits the following statement pursuant to SCR42(3):

16 SCR42(6)**Discretion.** The granting or denial of a motion to associate
17 counsel pursuant to this rule by the court is discretionary. The
18 court, arbitrator, mediator, or administrative or governmental
19 hearing officer may revoke the authority of the person permitted to
appear under this rule. Absent special circumstances, repeated
appearances by any person or firm of attorneys pursuant to this rule
shall be cause for denial of the motion to associate such person.

20 (a) **Limitation.** It shall be presumed, absent special
21 circumstances, and only upon showing of good cause, that
22 more than 5 appearances by any attorney granted under
this rule in a 3-year period is excessive use of this
rule.

23 (b) **Burden on applicant.** The applicant shall have the
24 burden to establish special circumstances and good cause
25 for an appearance in excess of the limitation set forth
26 in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

27 1. DATE OF APPLICATION: 7/12/2019

28 2. APPLYING ATTORNEY: James Bradley Robertson, Esq.

///

- 1
2 3. FIRM NAME AND ADDRESS: Bradley Arant Boult Cummings, LLP, One
3 Federal Place, 1819 Fifth Avenue North, Birmingham, AL 35203
4
5 4. NEVADA COUNSEL OF RECORD: David H. Bashford, Esq., Bradley
6 Arant Boult Cummings, LLP, 2686 Knox Street Northeast, Atlanta,
7 GA 30317
8
9 5. There is no record of previous applications for appearance by
10 petitioner within the past three (3) years.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED this July 17, 2019

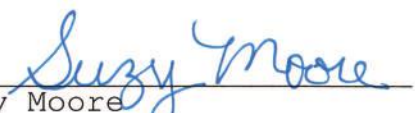

Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 4

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76417
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76845
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76947
AND FOR THE COUNTY OF CLARK,)	
AND THE HONORABLE MICHAEL)	
VILLANI, DISTRICT JUDGE,)	
Respondents,)	
and)	
THE STATE OF NEVADA,)	
Real Party in Interest.)	
<hr/>		

**APPLICATION FOR WAIVER OF FEE PURSUANT
TO NEVADA SUPREME COURT RULE 42(3)(e)**

James Bradley Robertson , Petitioner, respectfully requests that, pursuant
First Middle Name Last

to SCR 42(3)(e), the Court waive the application fee for the following reason(s):

 Petitioner is providing *pro bono* services in a death penalty habeas corpus case; or

 X Petitioner is providing *pro bono* services in similar circumstances that warrant waiver of the application fee. The facts which support this request are as follows:

I am an attorney at Bradley Arant Boult Cummings LLP retained to provide pro bono counsel to Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in support of Petitioner Jose Valdez-Jimenez's Petition for Writ of Mandamus, Petitioner Aaron Willard Frye's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus, and Petitioner Nathan Grace's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus. This case challenges Petitioners' ongoing detention as violative of the United States Constitution.

(If necessary, please attach additional pages)

I, James B. Robertson, do hereby swear/affirm under penalty of perjury that I am the Petitioner in the above entitled matter; that I have read the foregoing Waiver of Fees and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

DATED this 10th day of July, 2019

James B. Robertson
Petitioner/Affiant

STATE OF Alabama)
COUNTY OF Jefferson) ss

Subscribed and sworn to before me

this 10th day of July, 2019

Melissa K. Stewart
Notary Public



IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76417
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76845
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76947
AND FOR THE COUNTY OF CLARK,)	
AND THE HONORABLE MICHAEL)	
VILLANI, DISTRICT JUDGE,)	
Respondents,)	
and)	
THE STATE OF NEVADA,)	
Real Party in Interest.)	
<hr/>		

AMENDED MOTION TO ASSOCIATE COUNSEL

Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in Support of Petitioners, hereby move the Court for an order permitting Candice Leigh Rucker, Esq., to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This motion is supported by the attached Verified Application for Association of Counsel (Exhibit 1), Certificates of Good Standing from Alabama, Mississippi, and the District of Columbia, (Exhibit 2) and the State Bar of Nevada Statement. (Exhibit 3)

Candice Leigh Rucker, Esq. has been retained to provide pro bono counsel to Amicus Curiae in support of Petitioner Jose Valdez-Jimenez's Petition for Writ of Mandamus, Petitioner Aaron Willard Frye's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus, and Petitioner Nathan Grace's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus. Included with this motion is an Application for Waiver of Fee Pursuant to Nevada Supreme Court Rule 42(3)(e). (Exhibit 4)

Dated this 18th day of July, 2019.

Respectfully submitted,

/s/ David H. Bashford
David H. Bashford, Esq.
Nevada Bar No. 11774
Bradley Arant Boult Cummings LLP
2686 Knox Street Northeast
Atlanta, GA 30317
Phone: (205) 521-8217
Fax: (205) 488-6217
Email: dbashford@bradley.com
*Counsel for Amicus Curiae National Association of
Pretrial Services Agencies, Pretrial Justice
Institute, and National Association for Public
Defense in Support of Petitioners*

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 18th day of July, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master List as follows:

AARON D. FORD
Nevada Attorney General

NANCY M. LEMCKE
CHRISTY L. CRAIG
Deputy Public Defenders

STEVEN S. OWENS
Chief Deputy District Attorney

I further certify that I served a true and correct copy of this document by first-class mail, postage prepaid, to:

HONORABLE MARK B. BAILUS
Eighth Judicial District Court, Dept. 18
Phoenix Building
330 S. Third Street, CTRM 110
Las Vegas, Nevada 89101

HONORABLE JERRY A. WIESE
Eighth Judicial District Court, Dept. 30
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89101

HONORABLE MICHAEL P. VILLANI
Eighth Judicial District Court, Dept. XVII
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89101

CHARLES LEWIS GERSTEIN, ESQ.
Pro Hac Vice
Civil Rights Corps.
910 17th Street NW, Suite 200
Washington, D.C. 20006

Dated this 18th day of July, 2019.

/s/ Kristine A. Martinez
Employee of Bradley Arant Boult Cummings LLP

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ)

Petitioner,)

vs.)

THE EIGHTH JUDICIAL DISTRICT)
COURT OF THE STATE OF NEVADA, 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,)

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,)

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.)

Case No. 76417

Case No. 76845

Case No. 76947

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

Candice Leigh Rucker , Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 1301 M Street NW, Apt. 219
Street Address

Washington , District of Columbia , 20005
City County State Zip Code

(601) 951-5171
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Bradley Arant Boult Cummings

LLP with offices at 1615 L Street N.W., Suite 1350
Street Address

Washington , District of Columbia , 20036
City County State Zip Code

(202) 719-8270 , crucker@bradley.com
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in Support of Petitioners to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since April 21st of 2017 petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Alabama where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

DATE ADMITTED

Please see Exhibit A.

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No.

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No.

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to

terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No.

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
<u>None.</u>			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

<u>David</u>	<u>Hill</u>	<u>Bashford</u>	<u>11774</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at Bradley Arant Boult Cummings LLP,
Firm Name/Company

<u>2686 Knox Street Northeast</u>	<u>Atlanta</u>	<u>DeKalb County</u>
Street Address	City	County

<u>30317</u>	<u>(205) 521-8217</u>
Zip Code	Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME	MAILING ADDRESS
------	-----------------

Please see Exhibit B.

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Candice L. Rucker, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

1) That I am the Petitioner in the above entitled matter.

2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 10th day of July, 2019

Candice Rucker

Petitioner/Affiant (blue ink)

DISTRICT
STATE OF _____)
Columbia, SC) ss
COUNTY OF _____)

Subscribed and sworn to before me

this 10th day of JULY, 2019

John D. Beattie
Notary Public



DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I David Hill Bashford hereby agree to associate with Petitioner referenced hereinabove
Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 11th day of July, 20 19

David Hill Bashford
Nevada Counsel of Record (blue ink)

STATE OF GA)
COUNTY OF DEKALB) ss

Subscribed and sworn to before me

this 11 day of July, 20 19

Lakeshia Devine
Notary Public

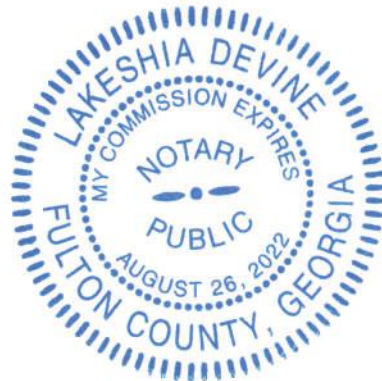


EXHIBIT A

Court of Admission	Date of Admission
Alabama	April 21, 2017
Mississippi	September 29, 2016
District of Columbia Bar	April 9, 2018
U.S. Court of Appeals for the Third Circuit	April 15, 2019
U.S. Court of Appeals for the Fifth Circuit	October 11, 2016
U.S. Court of Appeals for the Tenth Circuit	March 2, 2018
U.S. Court of Appeals for the Eleventh Circuit	October 2, 2017
U.S. District Court for the Northern District of Alabama	October 11, 2017
U.S. District Court for the Northern District of Mississippi	December 21, 2017
U.S. District Court for the Southern District of Mississippi	December 21, 2017

EXHIBIT B

- 1) Petitioner Jose Valdez-Jimenez, Clark County Detention Center, 330 S Casino Center Blvd, Las Vegas, Nevada 89101.
- 2) Petitioner Aaron Willard Frye, Clark County Detention Center, 330 South Casino Center Blvd., Las Vegas, NV 89101.
- 3) Petitioner Nathan Paul Grace, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070.
- 4) Nancy M. Lemcke and Christy L. Craig, Deputy Public Defenders, Counsel of Record for Petitioners, 309 South Third Street, #226, Las Vegas, Nevada 89155.
- 5) Charles Lewis Gerstein (pro hac vice), Civil Rights Corps, 910 17th Street NW, Suite 200, Washington, DC 20006.
- 6) Honorable Mark B. Bailus, Eighth Judicial District Court, Dept. 18, Phoenix Building, 330 S. Third Street, CTRM 110, Las Vegas, Nevada 89101.
- 7) Honorable Jerry A. Wiese, Eighth Judicial District Court, Dept. 30, Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101.
- 8) Honorable Michael P. Villani, Eighth Judicial District Court, Dept. 17, Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101.
- 9) The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark. Steve B. Wolfson, Clark County District Attorney, and Steven S. Owens, Chief Deputy District Attorney, 200 Lewis Avenue, Post Office Box 55221, Las Vegas, Nevada 89155.
- 10) The State of Nevada. Aaron D. Ford, Nevada Attorney General, 100 North Carson Street, Carson City, Nevada 89701.

EXHIBIT 2

Alabama State Bar

415 DEXTER AVENUE
POST OFFICE BOX 671
MONTGOMERY, AL 36101



STATE OF ALABAMA

COUNTY OF MONTGOMERY

I, Phillip W. McCallum, Secretary of the Alabama State Bar and custodian of its records, hereby certify that Candice Leigh Rucker has been duly admitted to the Bar of this State and is entitled to practice in all of the courts of this State including the Supreme Court of Alabama, which is the highest court of said state.

I further certify that Candice Leigh Rucker was admitted to the Alabama State Bar April 21, 2017.

I further certify that the said Candice Leigh Rucker is presently a member in good standing of the Alabama State Bar, having met all licensing requirements for the year ending September 30, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Alabama State Bar on this the 9th day of July, 2019.

Phillip W. McCallum,
Secretary



The Supreme Court of Mississippi



Certificate of Good Standing

*I, D. Jeremy Whitmire, as Clerk of the Supreme Court of Mississippi, do hereby certify that **Candice Leigh Rucker** was duly and legally admitted to practice law before the Supreme Court of Mississippi on September 29, 2016, and is now an attorney in good standing of the Bar of this Court, as shown by the records of said Court on file in this office.*

I further certify that the Supreme Court of Mississippi is the highest court of record in this state.

Done on July 10, 2019, with the seal of the Supreme Court of Mississippi affixed.

The Supreme Court of Mississippi

A handwritten signature in cursive script, appearing to read "D. Whitmire", written over a horizontal line.

CLERK



On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that

Candice L Rucker

was duly qualified and admitted on **April 9, 2018** as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, an **Active** member in good
standing of this Bar.

In Testimony Whereof,
I have hereunto subscribed my
name and affixed the seal of this
Court at the City of Washington,
D.C., on July 16, 2019.

Julio A. Castillo

JULIO A. CASTILLO
Clerk of the Court

Issued By:

AB
District of Columbia Bar Membership

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email
memberservices@dcbar.org.

EXHIBIT 3

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 76417

5
6 Jose Valdez-Jimenez

7
8 vs.

9 The Eighth Judicial District
10 Court of the State of Nevada

11
12 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
13 42 (3) (b)

14 THE STATE BAR OF NEVADA, in response to the application of
15 Petitioner, submits the following statement pursuant to SCR42(3):

16 SCR42(6)**Discretion.** The granting or denial of a motion to associate
17 counsel pursuant to this rule by the court is discretionary. The
18 court,, arbitrator, mediator, or administrative or governmental
19 hearing officer may revoke the authority of the person permitted to
appear under this rule. Absent special circumstances, repeated
appearances by any person or firm of attorneys pursuant to this rule
shall be cause for denial of the motion to associate such person.

20 (a) **Limitation.** It shall be presumed, absent special
21 circumstances, and only upon showing of good cause, that
22 more than 5 appearances by any attorney granted under
this rule in a 3-year period is excessive use of this
rule.

23 (b) **Burden on applicant.** The applicant shall have the
24 burden to establish special circumstances and good cause
25 for an appearance in excess of the limitation set forth
26 in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

27 1. DATE OF APPLICATION: 7/12/2019

28 2. APPLYING ATTORNEY: Candice Leigh Rucker, Esq.

///

1
2 3. FIRM NAME AND ADDRESS: Bradley Arant Boult Cummings, LLP, 1615
3 L Street N.W., Suite 1350, Washington, DC 20036

4 4. NEVADA COUNSEL OF RECORD: David H. Bashford, Esq., Bradley
5 Arant Boult Cummings, LLP, 2686 Knox Street Northeast, Atlanta,
6 GA 30317

7 5. There is no record of previous applications for appearance by
8 petitioner within the past three (3) years.

9 DATED this July 17, 2019


10
11 
12 Suzy Moore
13 Member Services Admin.
14 Pro Hac Vice Processor
15 STATE BAR OF NEVADA
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 4

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ)

Petitioner,)

vs.)

THE EIGHTH JUDICIAL DISTRICT)
COURT OF THE STATE OF NEVADA, 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,)

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,)

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.)

Case No. 76417

Case No. 76845

Case No. 76947

**APPLICATION FOR WAIVER OF FEE PURSUANT
TO NEVADA SUPREME COURT RULE 42(3)(e)**

Candice Leigh Rucker , Petitioner, respectfully requests that, pursuant
First Middle Name Last

to SCR 42(3)(e), the Court waive the application fee for the following reason(s):

 Petitioner is providing *pro bono* services in a death penalty habeas corpus case; or

 X Petitioner is providing *pro bono* services in similar circumstances that warrant waiver of the application fee. The facts which support this request are as follows:

I am an attorney at Bradley Arant Boult Cummings LLP retained to provide pro bono counsel to Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in support of Petitioner Jose Valdez-Jimenez's Petition for Writ of Mandamus, Petitioner Aaron Willard Frye's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus, and Petitioner Nathan Grace's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus. This case challenges Petitioners' ongoing detention as violative of the United States Constitution.

(If necessary, please attach additional pages)

I, Candice L. Rucker, do hereby swear/affirm under penalty of perjury that I am the Petitioner in the above entitled matter; that I have read the foregoing Waiver of Fees and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

DATED this 10th day of July, 2019

Candice Rucker

Petitioner/Affiant

DISTRICT

STATE OF _____)
COLUMBIA _____) ss
COUNTY OF _____)

Subscribed and sworn to before me

this 10th day of July, 2019

John D. Beattie

Notary Public



IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76417
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76845
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76947
AND FOR THE COUNTY OF CLARK,)	
AND THE HONORABLE MICHAEL)	
VILLANI, DISTRICT JUDGE,)	
Respondents,)	
and)	
THE STATE OF NEVADA,)	
Real Party in Interest.)	
<hr/>		

AMENDED MOTION TO ASSOCIATE COUNSEL

Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in Support of Petitioners, hereby move the Court for an order permitting Rachel Ann Conry, Esq., to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This motion is supported by the attached Verified Application for Association of Counsel (Exhibit 1), Certificate of Good Standing from Alabama (Exhibit 2) and the State Bar of Nevada Statement. (Exhibit 3)

Rachel Ann Conry, Esq. has been retained to provide pro bono counsel to Amicus Curiae in support of Petitioner Jose Valdez-Jimenez's Petition for Writ of Mandamus, Petitioner Aaron Willard Frye's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus, and Petitioner Nathan Grace's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus. Included with this motion is an Application for Waiver of Fee Pursuant to Nevada Supreme Court Rule 42(3)(e). (Exhibit 4)

Dated this 18th day of July, 2019.

Respectfully submitted,

/s/ David H. Bashford
David H. Bashford, Esq.
Nevada Bar No. 11774
Bradley Arant Boult Cummings LLP
2686 Knox Street Northeast
Atlanta, GA 30317
Phone: (205) 521-8217
Fax: (205) 488-6217
Email: dbashford@bradley.com

*Counsel for Amicus Curiae National Association of
Pretrial Services Agencies, Pretrial Justice
Institute, and National Association for Public
Defense in Support of Petitioners*

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 18th day of July, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master List as follows:

AARON D. FORD
Nevada Attorney General

NANCY M. LEMCKE
CHRISTY L. CRAIG
Deputy Public Defenders

STEVEN S. OWENS
Chief Deputy District Attorney

I further certify that I served a true and correct copy of this document by first-class mail, postage prepaid, to:

HONORABLE MARK B. BAILUS
Eighth Judicial District Court, Dept. 18
Phoenix Building
330 S. Third Street, CTRM 110
Las Vegas, Nevada 89101

HONORABLE JERRY A. WIESE
Eighth Judicial District Court, Dept. 30
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89101

HONORABLE MICHAEL P. VILLANI
Eighth Judicial District Court, Dept. XVII
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89101

CHARLES LEWIS GERSTEIN, ESQ.
Pro Hac Vice
Civil Rights Corps.
910 17th Street NW, Suite 200
Washington, D.C. 20006

Dated this 18th day of July, 2019.

/s/ Kristine A. Martinez
Employee of Bradley Arant Boult Cummings LLP

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76417
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76845
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,)	
Petitioner,)	
)	
vs.)	
)	
THE EIGHTH JUDICIAL DISTRICT)	
COURT OF THE STATE OF NEVADA, IN	)	Case No. 76947
AND FOR THE COUNTY OF CLARK,)	
AND THE HONORABLE MICHAEL)	
VILLANI, DISTRICT JUDGE,)	
Respondents,)	
and)	
THE STATE OF NEVADA,)	
Real Party in Interest.)	
<hr/>		

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

Rachel Ann Conry , Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at _____
1840 Cedarwood Road
Street Address

Vestavia Jefferson County Alabama 35216
City County State Zip Code

(205) 441-4549
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Bradley Arant Boulton Cummings

LLP with offices at _____
One Federal Place, 1819 Fifth Avenue North
Street Address

Birmingham Jefferson County Alabama 35203
City County State Zip Code

(205) 521-8892 , rconry@bradley.com
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in Support of Petitioners to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since October 3rd of 2017 petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of _____ Alabama _____ where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

DATE ADMITTED

Please see Exhibit A.

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No.

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No.

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to

terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No.

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
----------------------------	--------------	---	---

None.

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

<u>David</u>	<u>Hill</u>	<u>Bashford</u>	<u>11774</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at Bradley Arant Boult Cummings LLP,
Firm Name/Company

<u>2686 Knox Street Northeast</u>	<u>Atlanta</u>	<u>DeKalb County</u>
Street Address	City	County

<u>30317</u>	<u>(205) 521-8217</u>
Zip Code	Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

Please see Exhibit B.

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Rachel Conry, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

1) That I am the Petitioner in the above entitled matter.

2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 10th day of July, 2019

Rachel A. Conry
Petitioner/Affiant (blue ink)

STATE OF Alabama)
COUNTY OF Jefferson) ss

Subscribed and sworn to before me

this 10th day of July, 20 19
Carla BadChler
Notary Public

**My Commission Expires:
June 19, 2022**

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I David Hill Bashford hereby agree to associate with Petitioner referenced hereinabove
Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 11th day of July, 20 19

David Hill Bashford
Nevada Counsel of Record (blue ink)

STATE OF GA)
COUNTY OF DeKalb) ss

Subscribed and sworn to before me

this 11 day of July, 20 19

Lakeshia Devine
Notary Public



EXHIBIT A

Court of Admission	Date of Admission
Alabama	10/03/2017
U.S. District Court for the Northern District of Alabama	09/18/2018
U.S. District Court for the Middle District of Alabama	09/26/2018
U.S. District Court for the Southern District of Alabama	09/26/2018
U.S. Court of Appeals for the Fifth Circuit	09/26/2018
U.S. Court of Appeals for the Eleventh Circuit	10/03/2017

EXHIBIT B

- 1) Petitioner Jose Valdez-Jimenez, Clark County Detention Center, 330 S Casino Center Blvd, Las Vegas, Nevada 89101.
- 2) Petitioner Aaron Willard Frye, Clark County Detention Center, 330 South Casino Center Blvd., Las Vegas, NV 89101.
- 3) Petitioner Nathan Paul Grace, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070.
- 4) Nancy M. Lemcke and Christy L. Craig, Deputy Public Defenders, Counsel of Record for Petitioners, 309 South Third Street, #226, Las Vegas, Nevada 89155.
- 5) Charles Lewis Gerstein (pro hac vice), Civil Rights Corps, 910 17th Street NW, Suite 200, Washington, DC 20006.
- 6) Honorable Mark B. Bailus, Eighth Judicial District Court, Dept. 18, Phoenix Building, 330 S. Third Street, CTRM 110, Las Vegas, Nevada 89101.
- 7) Honorable Jerry A. Wiese, Eighth Judicial District Court, Dept. 30, Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101.
- 8) Honorable Michael P. Villani, Eighth Judicial District Court, Dept. 17, Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101.
- 9) The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark. Steve B. Wolfson, Clark County District Attorney, and Steven S. Owens, Chief Deputy District Attorney, 200 Lewis Avenue, Post Office Box 55221, Las Vegas, Nevada 89155.
- 10) The State of Nevada. Aaron D. Ford, Nevada Attorney General, 100 North Carson Street, Carson City, Nevada 89701.

EXHIBIT 2

Alabama State Bar

415 DEXTER AVENUE
POST OFFICE BOX 671
MONTGOMERY, AL 36101



STATE OF ALABAMA


COUNTY OF MONTGOMERY

I, Phillip W. McCallum, Secretary of the Alabama State Bar and custodian of its records, hereby certify that Rachel Ann Conry has been duly admitted to the Bar of this State and is entitled to practice in all of the courts of this State including the Supreme Court of Alabama, which is the highest court of said state.

I further certify that Rachel Ann Conry was admitted to the Alabama State Bar October 3, 2017.

I further certify that the said Rachel Ann Conry is presently a member in good standing of the Alabama State Bar, having met all licensing requirements for the year ending September 30, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Alabama State Bar on this the 9th day of July, 2019.



Phillip W. McCallum,
Secretary



EXHIBIT 3

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 76417

5
6 Jose Valdez-Jimenez

7 vs.

8 The Eighth Judicial District
9 Court of the State of Nevada

10 _____/
11 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
12 42 (3) (b)

13 THE STATE BAR OF NEVADA, in response to the application of
14 Petitioner, submits the following statement pursuant to SCR42(3):

15 SCR42(6)**Discretion.** The granting or denial of a motion to associate
16 counsel pursuant to this rule by the court is discretionary. The
17 court, arbitrator, mediator, or administrative or governmental
18 hearing officer may revoke the authority of the person permitted to
19 appear under this rule. Absent special circumstances, repeated
20 appearances by any person or firm of attorneys pursuant to this rule
21 shall be cause for denial of the motion to associate such person.

22 (a) **Limitation.** It shall be presumed, absent special
23 circumstances, and only upon showing of good cause, that
24 more than 5 appearances by any attorney granted under
25 this rule in a 3-year period is excessive use of this
26 rule.

27 (b) **Burden on applicant.** The applicant shall have the
28 burden to establish special circumstances and good cause
for an appearance in excess of the limitation set forth
in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.


1. DATE OF APPLICATION: 7/12/2019

2. APPLYING ATTORNEY: Rachel Ann Conry, Esq.

///

- 1 3. FIRM NAME AND ADDRESS: Bradley Arant Boult Cummings, LLP, One
2 Federal Place, 1819 Fifth Avenue North, Birmingham, AL 35203
3
4 4. NEVADA COUNSEL OF RECORD: David H. Bashford, Esq., Bradley
5 Arant Boult Cummings, LLP, 2686 Knox Street Northeast, Atlanta,
6 GA 30317
7
8 5. There is no record of previous applications for appearance by
9 petitioner within the past three (3) years.
10

11 DATED this July 17, 2019
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT 4

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE VALDEZ-JIMENEZ

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, 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,

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,

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.

Case No. 76417

Case No. 76845

Case No. 76947

**APPLICATION FOR WAIVER OF FEE PURSUANT
TO NEVADA SUPREME COURT RULE 42(3)(e)**

Rachel Ann Conry, Petitioner, respectfully requests that, pursuant
First Middle Name Last

to SCR 42(3)(e), the Court waive the application fee for the following reason(s):

 Petitioner is providing *pro bono* services in a death penalty habeas corpus case; or

 X Petitioner is providing *pro bono* services in similar circumstances that warrant waiver of the application fee. The facts which support this request are as follows:

I am an attorney at Bradley Arant Boult Cummings LLP retained to provide pro bono counsel to Amicus Curiae National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense in support of Petitioner Jose Valdez-Jimenez's Petition for Writ of Mandamus, Petitioner Aaron Willard Frye's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus, and Petitioner Nathan Grace's Petition for Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus. This case challenges Petitioners' ongoing detention as violative of the United States Constitution.

(If necessary, please attach additional pages)

I, Rachel Ann Conry, do hereby swear/affirm under penalty of perjury that I am the
Petitioner in the above entitled matter; that I have read the foregoing Waiver of Fees and know the
contents thereof; that the same is true of my own knowledge except as to those matters therein stated
on information and belief, and as to the matter I believe them to be true.

DATED this 11th day of July, 2019

Rachel A. Conry
Petitioner/Affiant

STATE OF Alabama)
COUNTY OF Jefferson) ss

Subscribed and sworn to before me

this 11 day of July, 2019

Andree Christopher Jimenez
Notary Public

exp 7/5/2022