

**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,**  
**Respondent,**

**and**  
**THE STATE OF NEVADA,**  
**Real Party in Interest.**

Electronically Filed  
Jul 23 2019 01:51 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**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.  
 WEISE, DISTRICT JUDGE,**  
**Respondents,**

**and**

**THE STATE OF NEVADA,**  
**Real Party in Interest.**

**Case No. 76845**

**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. 76947**

**NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES,  
PRETRIAL JUSTICE INSTITUTE, AND  
NATIONAL ASSOCIATION FOR PUBLIC DEFENSE’S  
REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE BRIEF OF  
AMICI CURIAE**

This case raises issues of fundamental importance for pretrial justice in Nevada. As amici, through our filed brief, we have offered insight and information on central issues of pretrial justice not available through the parties’ briefs alone. This information is likely to aid the Court in its decision making process, so we request that the Court grant our motion for leave to file our brief of amici curiae in support of the Petitioners.

**Timeliness**

This Court has discretion to grant leave to file an amicus brief later than seven days after the filing of the party being supported. Nev. R. App. P. 29(f) (“The court may grant leave for later filing, specifying the time within which an opposing party may answer.”) Such discretion is appropriate here. Because issues of pretrial justice and money bail are of critical importance to our organizations, we filed our brief and motion for leave to file it as soon as possible after learning of this litigation. Amici did not become aware of this case until June 26, 2019. Once we learned of the case, we worked swiftly and diligently to prepare and file the motion and brief on July 15, 2019, a mere nineteen days later—a period which included the July 4th holiday weekend.

Oral argument in this case will not occur until September 4th, leaving more than 50 days between the filing of our brief and the scheduled argument. Although we regret not having the opportunity to file our brief in this case sooner, we hope that this Court will determine that adequate time remains for the Court and the parties to consider our brief prior to oral argument.

### **Desirability and Relevance of the Brief of Amici Curiae**

In this case, this Court will decide issues of fundamental importance for pretrial justice in the state of Nevada. As explained in the “Interest of Amici Curiae” section of our proposed brief, the Pretrial Justice Institute, National Association of Pretrial Services Agencies, and National Association for Public Defense are among the leading national experts in the field of pretrial justice. Collectively, our members include judges, prosecutors, defense attorneys, academics, and pretrial practitioners, among others. As proposed friends of the court, our brief seeks to provide the Court with relevant insight from these experts.

We have served as amici numerous times before in similar actions, filing a similar briefs in courts across the country considering similar issues—including the United States Supreme Court, the Supreme Court of California, the Fifth Circuit, and the Eleventh Circuit. *See e.g.*, Brief Amicus Curiae of National Association of Pretrial Services Agencies, et. al, *Walker v. City of Calhoun, Georgia*, Case No. 18-814 (U.S. Jan. 28, 2019); Brief of Amicus Curiae California Association of Pretrial

Services, National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense, *People of the State of California v. Humphrey*, Case No. S247278, (Cal. Oct. 18, 2018); Amicus Curiae Brief of Drug Policy Alliance, Prison Policy Initiative, Inc., Minnesota Association of Pretrial Service Agencies, New York Association of Pretrial Service Agencies, National Association for Public Defense, Pretrial Justice Institute, and National Association of Pretrial Service Agencies, *ODonnell v. Harris Cty.*, Case No. 17-20333, (5th Cir. Aug. 9, 2017); Amicus Brief for National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense, in Support of Appellee, *Hester v. Gentry*, Case No. 18-13894 (11th Cir. Feb. 7, 2019). To date, no court has challenged or rejected the submission of our briefs on these issues related to money bail and pretrial detention. Our brief addresses research on the efficacy and impact of pretrial detention that is of constitutional concern. These constitutional issues of due process and wealth-based discrimination sit squarely before the Court in this case and are ripe for consideration by the judiciary, not merely the legislature as is alleged in Respondent's opposition.

### **Conclusion**

For the foregoing reasons, National Association of Pretrial Services Agencies, Pretrial Justice Institute, and National Association for Public Defense hereby request the Court grant leave to file our brief of amici curiae in support of the Petitioners.

Respectfully submitted,

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 23rd day of July, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master List as follows:

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