

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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JOSE VALDEZ-JIMINEZ,

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, AND THE  
HONORABLE MARL BAILUS,  
DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

Electronically Filed  
Oct 12 2018 03:50 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO: 76417

**STATE'S OPPOSITION TO PETITIONER'S MOTION FOR LEAVE TO  
FILE SUPPLEMENTAL APPENDIX AND REPLY IN SUPPORT OF  
PETITION FOR WRIT OF MANDAMUS**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, KRISTA D. BARRIE, and files this Opposition to Appellant's Motion For Leave to File Reply to Supplemental Brief. This opposition is filed pursuant to NRAP 27 and 31(d) and is based on the following memorandum and all papers and pleadings on file herein.

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Dated this 12th day of October, 2018.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY /s/ Krista D. Barrie  
KRISTA D. BARRIE  
Chief Deputy District Attorney  
Nevada Bar #010310  
Office of the Clark County District Attorney

### **ARGUMENT**

On May 24, 2018, the Grand Jury returned a True Bill against Jose Valdez-Jimenez (“Petitioner”) on five (5) counts of Burglary (Category B Felony – NRS 205.060), four (4) counts of Grand Larceny (Category C Felony – NRS 205.220.1, 205.222.2), and one (1) count of Participation in Organized Retail Theft (Category B Felony – NRS 205.08345). The Indictment Warrant, setting bail at \$40,000, issued on May 24, 2018. On May 31, 2018, Petitioner pleaded not guilty to all charges. I PA 028. On June 5, 2018, Petitioner filed a Motion to Vacate Detention Order and Release Defendant from Custody. The State filed its Opposition on June 11, 2018. The district court denied Defendant’s motion on June 21, 2018. Petitioner filed his Petition for Writ of Mandamus (“Petition”) on July 18, 2018. This Court then ordered an answer to the Petition, and the State filed its answers on October 3, 2018.

On October 12, 2018, Petitioner filed the instant motion seeking permission to file a Reply and Supplemental Appendix in support of the Petition. The State herein respectfully opposes this Motion.

Under the Nevada Rules of Appellate Procedure, no reply brief is authorized for the extraordinary petition for writ of mandamus. See NRAP 21. Nor does this Court's Order directing an Answer contemplate or authorize a reply brief. Moreover, Petitioner has not provided any basis for why any information that would be provided in a reply brief or a supplemental appendix could not, and were not, included in his Petition. As such, Petitioner is not entitled to file a reply and the State respectfully requests that his Motion be denied.

### **CONCLUSION**

WHEREFORE, the State respectfully requests that this Court deny Petitioner's Motion For Leave to File Supplemental Appendix and Reply in Support of Petition for Writ of Mandamus.

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Dated this 12th day of October, 2018.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY */s/ Krista D. Barrie*

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on October 12, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT  
Nevada Attorney General

NANCY M. LEMCKE  
Deputy Public Defender

KRISTA D. BARRIE  
Chief Deputy District Attorney

BY /s/ E.Davis  
Employee, District Attorney's Office

KDB//ed