

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

DATED this 9 day of November, 2018.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Nancy M. Lemcke
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POINTS AND AUTHORITIES

A. Facts

Petitioner's Mandamus Petition raises constitutional objections to wealth-based and arbitrary pre-trial detention orders issued in Clark County. The same claims have been raised in two other matters currently pending before this Honorable Court: *Nathan Grace v. Eighth Jud. Dist. Ct.*, Supreme Court Case No. 76947, and *Aaron Frye v. Eighth Jud. Dist. Ct.*, Supreme Court Case No. 76845. While *Grace* raises additional issues regarding the propriety of certain post-arrest proceedings, the constitutionality of wealth-based and arbitrary pre-trial detention is central in each matter. Accordingly, judicial economy and continuity favor joinder of the above-referenced cases for this Honorable Court's review.

B. Law

NRAP Rule 3(b) provides for the joinder or consolidation of cases on appeal "by order of the Supreme Court upon its own motion or upon a motion of a party, or by stipulation of the parties to the several appeals." This Court has consolidated appeals raising "some identical issues." Ewell v. State, 105 Nev. 897, n. 1 (1989) (consolidating appeals brought by co-defendants raising overlapping issues arising from criminal trial). Given the substantial similarity of the issues prosecuted in the cases referenced above,

together with the constitutional magnitude and statewide importance of those claims, Petitioner respectfully requests that this Honorable Court consolidate those cases for this Court's consideration.

Respectfully submitted,

PHILIP J. KOHN
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 9 day of November, 2018. 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:

MARK BAILUS
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BY /s/ Carrie M. Connolly
Employee, Clark County Public
Defender's Office