

IN THE SUPREME COURT OF THE STATE OF NEVADA

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.

Electronically Filed
Oct 31 2018 03:28 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 76845

**STATE'S OPPOSITION TO PETITIONER'S MOTION FOR LEAVE TO
FILE A REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS OR, IN THE ALTERNATIVE, FOR A 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 a File Reply. 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.

Dated this 31st day of October, 2018.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney

BY */s/ Krista D. Barrie*

KRISTA D. BARRIE
Chief Deputy District Attorney
Nevada Bar #010310

ARGUMENT

Aaron Frye (“Petitioner”) was charged with multiple felonies arising out of his armed robbery of a local bank.

Petitioner was charged by way of an Indictment with: Count 1 – Burglary While In Possession Of A Firearm (Category B Felony - NRS 205.060 - NOC 50426); Counts 2–5 – Robbery With Use Of A Deadly Weapon (Category B Felony - NRS 200.380, 193.165 - NOC 50138); Count 6 – Carrying Concealed Firearm Or Other Deadly Weapon (Category C Felony - NRS 202.350 (1)(D)(3) - NOC 51459); and Count 7 – Ownership Or Possession Of Firearm By Prohibited Person (Category B Felony - NRS 202.360 - NOC 51460).

On July 18, 2018, Petitioner filed a Motion to Vacate Detention Order and Release the Petitioner from Custody, asking that bail be set at \$75,000. The district court denied the Motion on August 2, 2018. Petitioner then filed a Petition with this Court, and the Court ordered an answer to the Petition on October 11, 2018. The State did so, and briefing on the Petition was concluded.

On October 12, 2018, Petitioner filed the instant motion seeking permission to file a Reply 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 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 Petitioner's Motion For Leave to File a Reply be DENIED.

Dated this 31st day of October, 2018.

Respectfully submitted,

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

BY */s/ Krista D. Barrie*

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 31, 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
CHRISTY L. CRAIG
Deputy Public Defender

KRISTA D. BARRIE
Chief Deputy District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

HONORABLE JERRY A. WIESE
Eighth Judicial District Court, Dept. XXX
Regional Justice Center, 14th Fl.
200 Lewis Avenue
Las Vegas, Nevada 89101

BY /s/ J. Garcia
Employee, District Attorney's Office

KDB/jg