

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANDRE GATHRITE

Petitioner,

vs.

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

Respondents,

and

THE STATE OF NEVADA,

Real Party In Interest.

Electronically Filed
Feb 19 2019 02:44 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Docket No. 77529

District Court No. C-18-334135-1

**DEANDRE GATHRITE'S MOTION FOR LEAVE TO FILE REPLY BRIEF
TO STATE'S ANSWER TO PETITION FOR WRIT OF PROHIBITION
AND MANDAMUS
(Relief Prior to Trial Date of 07/15/19)**

COMES NOW, the Petitioner DEANDRE GATHRITE aka DEANDRE
TERELLE GATHRITE, by and through his counsel of record Adrian M. Lobo, Esq.
of Lobo Law, and hereby files this Motion for Leave to File Reply Brief.

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This Motion is based on the attached declaration of counsel, the attached Memorandum of Points and Authorities, and the pleadings and papers on file with the Court.

DATED this 19th day of February, 2019.

By: /s/ Adrian M. Lobo
Adrian M. Lobo, Esq. (#10919)
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Attorney for Petitioner

DECLARATION OF ADRIAN M. LOBO, ESQ.

1. I am an attorney licensed to practice law in the State of Nevada; I am the attorney representing the Petitioner, Deandre Gathrite, in this action; I am familiar with the procedural and substantive history of this case.
2. Deandre Gathrite filed his Petition for relief on November 30, 2018. The State's Answer brief was filed on January 31, 2019.
3. Upon review of the State's Answering brief, certain matters discussed therein, and arguments advanced in opposition to Deandre Gathrite's Petition, necessarily require further briefing in reply to serve the interests of Due Process under the State and Federal Constitution.
4. The proposed Reply Brief complies with all relevant provisions of the Nevada Rules of Appellate Procedures (NRAP).
5. Deandre Gathrite has authorized me as counsel to prepare and to file this Motion, and the attached proposed Reply Brief.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this ____19th____ day of February, 2019.

/s/ Adrian M. Lobo

ADRIAN M. LOBO, ESQ. (#10919)

MEMORANDUM OF POINTS AND AUTHORITIES

1. Legal Standard

Under NRAP Rule 28(c), “The appellant may file a brief in reply to the respondent’s answering brief”. Such a reply brief “must be limited to answering any new matter set forth in the opposing brief.” *Id.* It is unclear if these provisions allow for the filing of a Reply Brief in mandamus proceedings (under NRAP Rule 21). Out of an abundance of caution, Deandre Gathrite has filed this Motion for leave to file a reply brief.

DATED this 19th day of February, 2019.

Respectfully submitted,

By: /s/ Adrian M. Lobo
Adrian M. Lobo, Esq. (#10919)
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 19th day of February, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

SARAH K. HAWKINS
Nevada Attorneys for Criminal Justice

STEVEN S. OWENS
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 DOUGLAS HERNDON
Eighth Judicial District Court Judge, Department III
Regional Justice Center
200 Lewis Ave., 16th Floor
Las Vegas, NV 89101

OFFICE OF ATTORNEY GENERAL
Grant Sawyer Building
555. E. Washington Ave., Suite 3900
Las Vegas, NV 89155

DATED this 19th day of February, 2019.

By: /s/ Alejandra Romero _____
Alejandra Romero
Legal Assistant to Adrian M. Lobo, Esq.
Lobo Law PLLC