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Electronically Filed
Jun 21 2019 01:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK BANKA,

Petitioner,

vs.

EIGHT JUDICIAL DISTRICT
COURT JUDGE CAROLYN
ELLSWORTH,

Respondents.

STATE OF NEVADA,

Real Party In
Interest.

Case No.:

District Court Case No.: C-18-
333254-1
Dept. No.: 5

REPLY TO OPPOSITION TO EMERGENCY MOTION UNDER NRAP

27(e)

TRIAL IS TO BEGIN MONDAY, JUNE 24, 2019 AT 1:00 PM AND
JACK BANKA IS REQUESTING A STAY OF THE TRIAL WHEREAS HE

1 CAN BE REPRESENTED BY MICHAEL D. PARIENTE, ESQUIRE AND
2 JOHN G. WATKINS, ESQUIRE AT TRIAL.
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5 COMES NOW Petitioner, JACK BANKA, through his counsel,
6
7 MICHAEL D. PARIENTE, ESQUIRE. with JOHN G. WATKINS, ESQUIRE.,
8
9 (OF COUNSEL), and files the instant reply to the State's Opposition to Jack
10 Banka's Emergency Motion under NRAP 27(e).

11 DATED this 21st day of June, 2019.



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14 MICHAEL D. PARIENTE, ESQ.
15 Nevada Bar No. 9469
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21 **JACK BANKA'S REPLY**

22 Judge Ellsworth's decision to disallow the substitution of Michael D.
23 Pariente, Esquire and John G. Watkins, Esquire, as Jack Banka's counsel and a
24 reasonable time to prepare the case was based on Judge Ellsworth's reading of
25 EDCR 7.40(c) as mandatory leaving her no discretion whatsoever. However,
26 reading EDCR 7.40(c) as mandatory conflicts with the Sixth Amendment right
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1 to counsel of choice and Nevada case law. **The State ignores this crucial**
2 **point.**

3 The State's assertion of prejudice is simply false. A short continuance of
4 60 days would have no affect regarding the State's case. The elderly couple's
5 preliminary hearing testimony can be used if necessary. **Again, the State**
6 **ignores this point.**

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9 The State's bold assertion that "Petitioner is unlikely to prevail on the
10 merits" amounts to nothing more than an unfounded opinion.

11 Therefore, Jack Banka's emergency request for a continuance of the trial
12 now set for Monday, June 24, 2019 at 1:00 pm be stayed whereas Michael D.
13 Pariente, Esquire and John G. Watkins, Esquire, will be allowed to represent
14 Jack Banka at trial.
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Respectfully submitted,



Michael D. Pariente, Esq.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that service of the above and foregoing, was made this
21st day of **June**, 2019, by email transmission to:

JUDGE CAROLYN ELLSWORTH
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and

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Chris Barden,
an employee of
Michael D. Pariente, Esquire