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Respondent.

RESPONDENT'S ANSWER TO PETITION FOR WRIT OF
MANDAMUS/PROHIBITION

ATTORNEYS FOR RESPONDENTS

AARON FORD
NEVADA ATTORNEY GENERAL
100 N. Carson St.
Carson City, NV 89701

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The Petition contains the lengthy explanation by the Chief Deputy District detailing the reason plea deal. One of which was the lack of certainty of a guilty if the case goes to trial. An acquittal or a hung jury is always a possibility.

A trial judge may not reject a plea bargain solely on the grounds that the plea prevents the judge from sentencing as harshly as he or she would like. Plea bargains generally result in a reduction of charges against the defendant, and consequently a diminishment of the judge's authority to sentence. Allowing trial judges to reject a plea bargain for infringing upon judicial sentencing authority because the original indictment charged the defendant with a more serious offense affords judges too much discretion to inhibit the role of the prosecutor. Sandy v. District Court, 113 Nev. at 441.

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1 agreement was not accepted was the judge wouldn't be able to sentence the
2 defendant to life in prison.

3 The State does not believe that rises to the level of abuse of prosecutorial
4 discretion.

5 **DATED** this 14th day of December 2021.

6 CHRISTOPHER ARABIA
7 Nevada Bar No. 9749
8 NYE COUNTY DISTRICT ATTORNEY
9 P. O. Box 593
10 Tonopah, NV 89049
11 Attorney for Respondents

12 By

13 
14 **John J Friel, Jr.**
15 Nevada Bar No. 4992
16 Deputy District Attorney
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1 **CERTIFICATE OF COMPLIANCE**

2 I hereby certify that I have read this appellate brief, and to the best of my
3 knowledge, information, and belief, it is not frivolous or interposed for any improper
4 purpose. I further certify that this brief complies with all applicable Nevada Rules
5 of Appellate Procedure, in particular NRAP 28(e), which requires every assertion in
6 the brief regarding matters in the record to be supported by appropriate references
7 to the record on appeal. I understand that I may be subject to sanctions in the event
8 that the accompanying brief is not in conformity with the requirements of the Nevada
9 Rules of Appellate Procedure.

VERIFICATION

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

☒ This brief has been prepared in a proportionally spaced typeface using Microsoft Word 97-2003 in Times New Roman, 14 pt. font; or

☐ This brief has been prepared in a monospaced typeface using Microsoft Word 97-2003 in _____ with [*state number of characters per inch and name of type style*].

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

☐ Proportionately spaced, has a typeface of 14 points or more and contains _____ words; or

☐ Monospaced, has 10.5 or fewer characters per inch, and contains ____ words or ____ lines of text; or

☒ Does not exceed 30 pages.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a

1 reference to the page and volume number, if any, of the transcript or appendix where
2 the matter relied on is to be found. I understand that I may be subject to sanctions in
3 the event that the accompanying brief is not in conformity with the requirements of
4 the Nevada Rules of Appellate Procedure.

5 **DATED** this 14th day of December 2021.

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