1	IN THE SUPREME COUL	RT OF THE STATE OF NEVADA	
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3	JAMES ROBERT BONETTI) Electronically File) Supreme Court Care No. 2323409:5	d 4 o m
4	Appellant,	Elizabeth A. Brow Clerk of Supreme	n
5	vs.		
6	THE STATE OF NEVADA,		
7	Respondent.		
8			
9	RESPONDENT'S ANSWI	ER TO PETITION FOR WRIT OF	
10	MANDAM	US/PROHIBITION	
11	ATTORNEY FOR APPELLANT	ATTORNEYS FOR RESPONDENTS	
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15 16 17 18	· · · · · · · · · · · · · · · · · · ·	Pahrump, NV 89041 (775) 751-7080 JOHN J. FRIEL, JR. DISTRICT ATTORNEY P. O. Box 593 101 Radar Road Tonopah, NV 89049 AARON FORD NEVADA ATTORNEY GENERAL	

ARGUMENT 1 2 The State agrees with the argument set forth in the Petition for Writ of Mandamus/Prohibition that there were legitimate prosecutorial reasons for the plea 3 4 agreement in question. 5 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 6 7 the case goes to trial. An acquittal or a hung jury is always a possibility. The plea agreement here guarantees the Court would be in a position to 8 9 sentence the defendant to up to 12 years in prison. A trial judge may not reject a plea bargain solely on the grounds that the plea 10 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 11 consequently a diminishment of the judge's authority to sentence. Allowing trial judges to reject a plea bargain for infringing upon judicial sentencing 12 authority because the original indictment charged the defendant with a more serious offense affords judges to much discretion to inhibit the role of the 13 prosecutor. Sandy v. District Court, 113. Nev. at 441. 14 15 CONCLUSION 16 Despite the District Court's assertion that it wasn't substituting its judgement for that of the District Attorney's Office, the main reason he plea 17 18 ////

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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 Nevada Bar No. 9749
7	NYE COUNTY DISTRICT ATTORNEY P. O. Box 593
8	Tonopah, NV 89049
9	Attorney for Respondents
10	By John J Friel, Jr.
11	Nevada Bar No. 4992 Deputy District Attorney
12	Deputy District Attorney
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CERTIFICATE OF COMPLIANCE

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), which requires every assertion in
the brief regarding matters in the record to be supported by appropriate references
to the record on appeal. I understand that I may be subject to sanctions in the event
that the accompanying brief is not in conformity with the requirements of the Nevada
Rules of Appellate Procedure.

1 VERIFICATION I hereby certify that this brief complies with the formatting 2 1. requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and 3 the type style requirements of NRAP 32(a)(6) because: 4 5 This brief has been prepared in a proportionally spaced typeface [x]using Microsoft Word 97-2003 in Times New Roman, 14 pt. 6 font; or This brief has been prepared in a monospaced typeface using 7 with [state number of Microsoft Word 97-2003in 8 characters per inch and name of type style]. I further certify that this brief complies with the page- or type-volume 9 2. limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by 10 NRAP 32(a)(7)(C), it is either: 11 Proportionately spaced, has a typeface of 14 points or more and 12 [] contains words; or 13 [] Monospaced, has 10.5 or fewer characters per inch, and contains ___ words or ___ lines of text; or 14 15 Does not exceed 30 pages. [x]Finally, I hereby certify that I have read this appellate brief, and to the 16 3. best of my knowledge, information, and belief, it is not frivolous or interposed for 17

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

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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.
6	CHRISTOPHER ARABIA
7	Nevada Bar No. 9749 NYE COUNTY DISTRICT ATTORNEY
8	P. O. Box 593 Tonopah, NV 89049
9	Attorney for Respondents \[\sum_{\color=1}^{\color=1} \color=1 \]
10	By
11	JOHN J. FRIEL, Jr. Nevada Bar No. 4992
12	DEPUTY DISTRICT ATTORNEY
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1 PROOF OF SERVICE I, Kristine M. Kipp, Executive Legal Secretary, Office of the Nye County 2 District Attorney, P. O. Box 593, Tonopah, NV 89049, do hereby certify that on 3 December 15, 2021, I caused copies of RESPONDENT'S ANSWER TO 4 5 PETITION FOR WRIT OF MANDAMUS/PROHIBITION to be served via Nevada Supreme Court's E-Flex e-filing system to the following: 6 RONNI N. BOSKOVICH, ESQ. 7 AARON FORD Nevada Bar No. 3891 Nevada Attorney General 3190 S. Hwy. 160, Ste. H 100 N. Carson Street Carson City, NV 89701-4717 Pahrump, NV 89048 9 10 Kristine M. Kipp 11 12 13 14 15 16 17 18 19

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