

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Oct 31 2018 12:28 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

AARON WILLARD FRYE	)	Case No. 76845
Petitioner,	)	
	)	
vs.	)	
	)	
THE EIGHTH JUDICIAL DISTRICT	)	
COURT OF THE STATE OF NEVADA,	)	
IN AND FOR THE COUNTY OF CLARK,	)	
AND THE HONORABLE JERRY	)	
WIESE, DISTRICT JUDGE,	)	
	)	
Respondents,	)	
and	)	
THE STATE OF NEVADA,	)	
Real Party in Interest.	)	
	)	
	)	

**MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF  
PETITION FOR A WRIT OF HABEAS CORPUS OR, IN THE  
ALTERNATIVE, FOR A WRIT OF MANDAMUS**

COMES NOW Petitioner, AARON FRYE, by and through his attorney, NANCY LEMCKE, Deputy Public Defender, and moves this Honorable Court for leave to file a Reply in support of his Petition for a Writ of Habeas Corpus or, in the Alternative, For a Writ of Mandamus.

This Motion is based upon the following Memorandum and all papers and pleadings on file herein.

DATED this 30<sup>th</sup> day of October, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Nancy L. Lemcke  
NANCY M. LEMCKE, #5416  
Deputy Public Defender  
309 So. Third Street, Suite #226  
Las Vegas, Nevada 89155-2610  
(702) 455-4685

## ARGUMENT

Petitioner's Habeas/Mandamus Petition challenges the constitutionality of the means by which Clark County courts determine the issue of bail and pre-trial detention in criminal cases. This amounts to a constitutionally significant question of first impression that is a matter of statewide importance. Such an issue is best resolved via a thorough and complete accounting of the jurisprudence bearing on the matter. Accordingly, Petitioner is requesting leave of this Honorable Court to file a Reply in Support of his Petition for a Writ of Habeas Corpus or, in the Alternative, for a Writ of Mandamus.

Respectfully submitted,

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Nancy M. Lemcke  
NANCY M. LEMCKE, #5416  
Deputy Public Defender  
309 So. Third Street, Suite #226  
Las Vegas, Nevada 89155-2610  
(702) 455-4685

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 30 day of October, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT  
STEVEN S. OWENS

NANCY M. LEMCKE  
CHRISTY L. CRAIG  
HOWARD S. BROOKS

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

JERRY A. WIESE  
District Court, Dept. XXX  
200 Lewis Avenue  
Las Vegas, NV 89101

BY /s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office