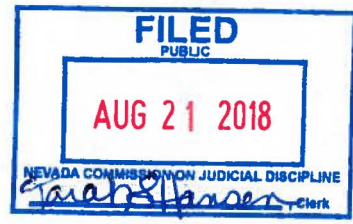


WILLIAM B. TERRY, CHARTERED  
530 South Seventh Street  
Las Vegas, Nevada 89101  
(702) 385-0799



1 WILLIAM B. TERRY, ESQ.  
Nevada State Bar No. 001028  
2 ALEXANDRA ATHMANN-MARCOUX, ESQ.  
Nevada State Bar No. 014474  
3 WILLIAM B. TERRY CHARTERED  
530 South Seventh Street  
4 Las Vegas, Nevada 89101  
(702) 385-0799  
5 (702) 385-9788 (Fax)  
Info@WilliamTerryLaw.com  
6 Attorney for Respondent

7  
8 NEVADA COMMISSION ON JUDICIAL DISCIPLINE  
9 STATE OF NEVADA


10 In the Matter of )  
11 THE HONORABLE MARTIN HASTINGS, ) CASE NO. 2017-119-P  
Las Vegas Municipal Court, )  
12 County of Clark, State of Nevada, )  
13 Respondent. )

14  
15 **REPLY TO OPPOSITION TO MOTION TO DISMISS CHARGES AND REPLY TO**  
**OPPOSITION TO MOTION FOR MORE DEFINITE STATEMENT**

16 COMES NOW, the Respondent, the Honorable Martin Hastings, Las Vegas Municipal Court,  
17 County of Clark, State of Nevada, by and through his counsel WILLIAM B. TERRY, ESQ. and  
18 ALEXANDRA ATHMANN-MARCOUX, ESQ., of the law offices of WILLIAM B. TERRY,  
19 CHARTERED and files the instant response to the opposition to motion to dismiss charges and  
20 opposition to motion for a more definite statement.

21 Said Reply is made and based upon the attached analysis of facts and attachments and points  
22 and authorities.

23 WILLIAM B. TERRY, CHARTERED

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WILLIAM B. TERRY, ESQ.  
26 Nevada Bar No. 001028  
ALEXANDRA ATHMANN-MARCOUX, ESQ.  
27 Nevada Bar No. 014474  
WILLIAM B. TERRY, CHARTERED  
530 South Seventh Street  
28 Las Vegas, Nevada 89101  
(702) 385-0799  
Attorney for Respondent

1 ANALYSIS OF FACTS

2 The Respondent Hastings will rely predominantly upon the original motion to dismiss and  
3 the original motion for a definite statement and files the instant response only in opposition to the  
4 Special Prosecutor's opposition.

5 The charging document in the instant case can be separated into two separate provisions.  
6 Those being the factual analysis and those being the counts that deal with whatever rule violations  
7 it is alleged that Judge Hastings violated. The objection of Judge Hastings is that while the Special  
8 Prosecutor sets forth facts he does not specifically relate it to the rules violations. In essence, what  
9 is the manner and means or acts and facts upon which the Special Prosecutor is going to rely on in  
10 an attempt to show that Judge Hastings violated any one of the particular rules. The Respondent is  
11 mindful of procedural rule 15, however, the Respondent is also mindful of the fact that the charging  
12 document must be set forth with sufficient facts in reference to each of the alleged rule violations.  
13 This is not a situation where Judge Hastings should be required to guess how he violated any specific  
14 rule. The Respondent has as ordered by the rules complied with the Rules of Civil Procedure in  
15 filing the instant document. Even procedural rule 15 indicates that there must be a "...clear statement  
16 of all acts and omissions which are alleged to warrant action by the Commission..." The position  
17 of the Respondent is that those mandates must relate to particular rule violations. Nevada Rules of  
18 Civil Procedure, Rule 12(e) and (b) (5) are equally applicable to the Commission.

19 In the opposition the Special Prosecutor takes the position that merely because there is a  
20 statement of facts that is sufficient for the Respondent to prepare a proper defense to. Again, what  
21 is not in the complaint is how those facts relate to specific rule violations.


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1 CONCLUSION

2 As a result, it is respectfully submitted that the original motion to dismiss charges and motion for  
3 a more definite statement be granted.

4 DATED this 21<sup>st</sup> day of August, 2018.

5 WILLIAM B. TERRY, CHARTERED


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7   
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9 Nevada Bar No. 001028  
10 ALEXANDRA ATHMANN-MARCOUX, ESQ.  
11 Nevada Bar No. 014474  
12 WILLIAM B. TERRY, CHARTERED  
13 530 South Seventh Street  
14 Las Vegas, Nevada 89101  
15 (702) 385-0799  
16 Attorney for Respondent

17 CERTIFICATE OF SERVICE

18 I hereby certify that on the 21<sup>st</sup> day of August, 2018, I, as an employee of WILLIAM B.  
19 TERRY, CHARTERED, that a true and correct copy of this **REPLY TO OPPOSITION TO**  
20 **MOTION TO DISMISS CHARGES AND REPLY TO OPPOSITION TO MOTION FOR**  
21 **DEFINITE STATEMENT** was emailed to the following:

22 Paul C. Deyhle  
23 Executive Director  
24 Nevada Commission on Judicial Discipline  
25 [pdeyhle@judicial.state.nv.us](mailto:pdeyhle@judicial.state.nv.us)

26 Brian Hutchins, Esq.  
27 BH Consulting, LLC  
28 Special Prosecutor  
[bhconsultingllc@sbcglobal.net](mailto:bhconsultingllc@sbcglobal.net)

29   
30 As an employee of William B. Terry, Chartered