

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 KEITH MATHAHS,
4 Petitioner,
5 vs.

Electronically Filed
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Tracie K. Lindeman
Clerk of Supreme Court

6 THE EIGHTH JUDICIAL DISTRICT
7 COURT OF THE STATE OF
8 NEVADA, IN AND FOR THE
9 COUNTY OF CLARK, AND THE
HONORABLE VALERIE ADAIR,
DISTRICT JUDGE

CASE NO: 61359
D.C. NO: C2654107

10 Respondent,
11 and
12 THE STATE OF NEVADA,
13 Real Party in Interest.

14 **STATE'S RESPONSE TO PETITIONER'S MOTION
15 FOR EMERGENCY STAY**

16 COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark
17 County District Attorney, through his Deputy, RYAN J. MACDONALD, and
18 responds to Petitioner's Motion for Emergency Stay. This RESPONSE is based on
19 the following memorandum, declaration of counsel and all papers and pleadings on
20 file herein.

21 Dated this 10th day of September, 2012.

22 Respectfully submitted,

23 STEVEN B. WOLFSON
24 Clark County District Attorney
Nevada Bar # 001565

25
26 BY */s/ Ryan J. MacDonald*

27 RYAN J. MACDONALD

Deputy District Attorney
Nevada Bar #12615

28 Office of the Clark County District Attorney

1 **MEMORANDUM**

2 I, RYAN J. MACDONALD, am the supervising attorney in the above-
3 captioned case. Any party may file a response to a motion. NRAP 27(a)(3).

4 Petitioner Keith Mathahs moves—under this Supreme Court case number—
5 to stay the proceedings in district court case number 12C283381-3. The State first
6 notes that it is the Indictment in district court case 10C2654107 that is being
7 challenged in the underlying mandamus petition and accordingly asserts that it is
8 inappropriate to request a stay of a distinct district court proceeding. Second,
9 petitioner fails to identify the “irreparable harm” that he will suffer if those
10 proceedings are not stayed. NRAP 27(e).¹ An initial trial date has not even been
11 set in this case and will likely be initially scheduled for mid-to-late-2013, as all
12 three defendants waived their speedy trial rights. Pet. Ex. G at 30-33. Therefore,
13 to the extent this Court will consider petitioner’s inappropriately-docketed motion,
14 it should be denied.

15 Dated this 10th day of September, 2012.

16 Respectfully submitted,

17 **STEVEN B. WOLFSON**
18 Clark County District Attorney

19
20 BY */s/ Ryan J. MacDonald*

21 RYAN J. MACDONALD
22 Deputy District Attorney
23 Nevada Bar #12615
24 Office of the Clark County District Attorney
25 Regional Justice Center
26 **200 Lewis Avenue**
27 P.O. Box 552212
28 Las Vegas, Nevada 89155-2212
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27 ¹Although petitioner captions his motion as one requesting relief under
28 NRAP 8, what he has submitted is, in substance, a request for emergency stay
under NRAP 27(e) and it should be treated as such.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with
3 the Nevada Supreme Court on September 10, 2012. Electronic Service of the
4 foregoing document shall be made in accordance with the Master Service List as
5 follows:

6 CATHERINE CORTEZ MASTO
7 Nevada Attorney General

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10 Counsels for Appellant

11 RYAN J. MACDONALD
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13
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15 BY /s/ eileen davis
16 Employee, District Attorney's Office
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26 RJM//ed
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