

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

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SIAOSI VANISI,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT

COURT OF THE STATE OF NEVADA,

HON. CONNIE STEINHEIMER, DISTRICT

JUDGE,

Respondents,

And

THE STATE OF NEVADA,

Real Party in Interest.

Case No.

45061

FILED

APR 13 2005

BY JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

**EMERGENCY MOTION FOR STAY OF LOWER COURT PROCEEDINGS**

Petitioner, SIAOSI VANISI, by and through his appointed counsel, SCOTT W. EDWARDS and THOMAS L. QUALLS, hereby moves this Honorable Court for an immediate entry of its Order staying proceedings below, entitled Siaosi Vanisi v. State of Nevada, Second Judicial District Court, Case No. CR98P0516, Dept. No. 4, pursuant to NRAP 8(a) and (c) and NRS 177.145, pending the resolution of Petitioner's Petition for Writ of Mandamus and/or Prohibition, filed herewith.

This Motion is supported by the said Petition filed herewith, including the Verification and Certification of Compliance of SCOTT W. EDWARDS and THOMAS L. QUALLS, as well as all other information and materials submitted in support of said Petition.

This Motion is brought pursuant to the provisions of NRAP Rule 8(a) (Stay Pending Review), NRAP Rule 27 (c) (single justice may entertain and grant or deny any request for relief except final disposition of appeal or proceeding).

Petitioner incorporates by reference herein his Writ of Prohibition and/or Mandamus as if the same were set forth herein.

APR 13 2005

CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

05-07198

1 As demonstrated in Mr. Vanisi's Petition, the following circumstances require the immediate  
2 entry of the Stay of Proceedings hereby requested:

3 1. The vast weight of the evidence presented to the district court supports a finding of Mr.  
4 Vanisi's incompetence;

5 2. The Order of the district court filed on or about March 16, 2005, prejudices Mr. Vanisi's  
6 constitutional rights in that the Order has required him to file a (Supplemental) Petition for Writ of  
7 Habeas Corpus while currently incompetent;

8 3. The Order, if allowed to stand, may prevent Vanisi from presenting complete and adequate  
9 claims in his habeas proceedings, thereby precluding full and final resolution of all legitimate claims and  
10 possibly affecting exhaustion issues in the future;

11 4. The Order, if allowed to stand, will prevent Vanisi from effectively communicating with and  
12 assisting his counsel during the post-conviction habeas proceedings, thereby resulting in a violation of  
13 the Sixth and Fourteenth Amendments;

14 5. If the proceedings below are not stayed pending the resolution of the instant Writ, Mr. Vanisi  
15 will suffer further violations of his constitutional rights.

16  
17 **WHEREFORE**, Petitioner prays that this Honorable Court enter an Order granting an  
18 immediate Stay of the lower court proceedings pending the careful consideration and resolution of the  
19 Writ of Prohibition and/ or Mandate.

20  
21 RESPECTFULLY SUBMITTED this 11<sup>TH</sup> day of APRIL, 2005.

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23 

24 SCOTT EDWARDS, ESQ  
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26 729 Evans Ave.  
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28 (775) 786-4300  
Attorney for Petitioner,  
SIAOSI VANISI

22  
23 

24 THOMAS L. QUALLS, ESQ  
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28 (775) 333-6633  
Attorney for Petitioner,  
SIAOSI VANISI

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the law offices of Scott W.

Edwards, and that on this date, I served the foregoing *Motion for Emergency Stay* on the party(ies) set forth below by:

\_\_\_\_\_ Placing an original or true copy thereof in a sealed envelope placed for collecting and mailing in the United States mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

\_\_\_\_\_ Personal delivery.

\_\_\_\_\_ Facsimile (FAX).

\_\_\_\_\_ Federal Express or other overnight delivery.

XX \_\_\_\_\_ Reno/Carson Messenger service.

addressed as follows:

Hon. Connie J. Steinheimer  
75 Court Street  
P.O. Box 30083  
Reno, Nevada 89520

Terry McCarthy  
Appellate Deputy District Attorney  
50 W. Liberty St., #300  
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Nevada Attorney General  
100 N. Carson Street  
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DATED this 12<sup>th</sup> day of April, 2005.