

## IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA,

Appellant,

vs.

FREDERICK GENE FRED, et al.

Respondents.

No. 35800

**FILED**

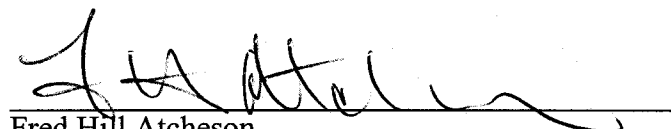
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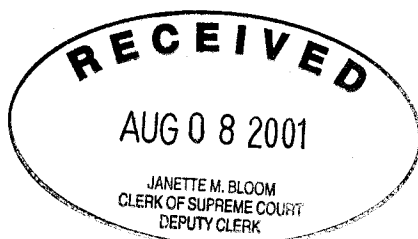
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERKOPPOSITION TO APPLICATION FOR STAY OF DISTRICT COURT PROCEEDINGS  
PENDING COMPLETION OF APPELLATE REVIEW OF ORDER GRANTING  
DISMISSAL OF FIRST DEGREE FELONY-MURDER CHARGES

COMES NOW the Respondent above named and opposes the Motion for Stay filed in the above entitled matter filed by the Appellant herein.

The recitation of facts in the case reveals that an application for stay was not first made to Judge Griffin of the District Court as required under NRAP 8 (a). Case law on this subject appears to offer no judicial relief to this first requirement and even allows for the imposition of sanctions for non-compliance. State ex. rel Pub. Serv. Comm'n v. First Judicial District Court, 94 Nev. 42, 574 P.2d 272 (1978). Counsel doesn't request sanctions. Counsel requests denial of the application. This case is set for trial in three weeks.

Respectfully Submitted this 8<sup>th</sup> day of August, 2001.

  
Fred Hill Atcheson  
For Fred Fred



Fred Hill Atcheson

Attorney at Law

P.O. Box 9090 Reno, Nevada 89507

(775) 322-5255 Fax (775) 322-1751

01-13396

CERTIFICATE OF SERVICE

In accordance with the Nevada Revised Statutes and Rules of the criminal procedure, I hereby certify that on this 8<sup>TH</sup> day of August, 2001, I deposited for mailing, first-class postage prepaid, a true and correct copy of the foregoing RESPONDENT FRED'S OPPOSITION APPLICATION FOR STAY OF DISTRICT COURT PROCEEDINGS PENDING COMPLETION OF APPELLATE REVIEW OG ORDER GRANTING DISMISSAL OF FIRST DEGREE FELONY-MURDER CHARGES to Plaintiff's counsel and co-counsel , as follows:

NOEL WATERS, ESQ.  
District Attorney  
885 East Musser Street  
Suite 2030  
Carson City, Nv. 89703

Robert Ben Walker  
415 West Second Street  
Carson City, Nv. 89703

Laurence Digesti  
485 W. Fifth Street  
Reno, Nv. 89503

Allison Whittle Joffee  
1102 North Nevada Street  
Carson City, Nv. 89703

Loren Graham  
P.O. Box 6329  
Lake Tahoe, Nevada 89449

Steve Sexton  
526 Lander Street  
Reno, Nv. 89509

John Oakes  
333 So. Arlington  
Reno, Nv. 89504

Thomas Susich  
510 W. Fourth Street  
Carson City, Nv. 89702

Paul Quade  
326 West Liberty Street  
Reno, Nv. 89501

Nathan Todd Young  
1701 County Road, Suite M  
Minden, Nevada 89423

Dated this 26<sup>TH</sup> day of January, 2001.

Fred Hill Atcheson

Attorney at Law

P.O. Box 9090 Reno, Nevada 89507

(775) 322-5255 Fax (775) 322-1755

