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NV State Bar #4771
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3 Las Vegas, NV 89155
(702) 455-6270
4 Attorney for Kirstin Blaise Lobato

5 IN THE SUPREME COURT OF THE STATE OF NEVADA

6 KIRSTIN BLAISE LOBATO

Docket No. 49087

FILED

7 Appellant,

8 v.

9 STATE OF NEVADA,

Respondent.

MAY 26 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

10 MOTION TO STAY REMITTITUR

11
12 Comes now Appellant Kirstin Blaise Lobato, by and through her counsel JoNell
13 Thomas, and respectfully requests this Court stay issuance of the Remittitur pending
14 application to the United States Supreme Court for a Petition for Writ of Certiorari.

15 The Order Denying En Banc Reconsideration was filed May 19, 2009 and pursuant to
16 the rules of the United States Supreme Court, the petition for writ of certiorari must be filed
17 within 90 days from said date, up to and including August 17, 2009.

18 NRAP 41(a) states the Remittitur will issue twenty-five (25) days after entry of the
19 order denying the petition unless the time is enlarged by order. Counsel requests that the
20 time to issue the Remittitur be enlarged and respectfully requests this Court enter an Order
21 to Stay Issuance of the Remittitur pending the filing of the Writ of Certiorari by Appellant.

22 Dated this 20th day of May, 2009.

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RECEIVED
MAY 26 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

By: *[Signature]*
JONELL THOMAS

RECEIVED
Las Vegas Drop Box
CLERK OF SUPREME COURT
2009 MAY 27 11:37 PM

1 POINTS AND AUTHORITIES

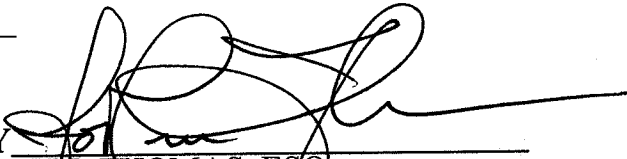
2 Nevada Rules of Appellate Procedure Rule 41 provides in pertinent part:

3 “(b) *Stay of remittitur pending application for certiorari.* A stay of the
4 remittitur pending application to the Supreme Court of the United States for a
5 writ of certiorari may be granted upon motion, reasonable notice of which shall
6 be given to all parties. The stay shall not exceed sixty (60) days unless the period
7 is extended for cause shown. If during the period of the stay there is filed with
8 the clerk of the Supreme Court of Nevada a notice from the clerk of the Supreme
9 Court of the United States that the party who has obtained the stay has filed a
10 petition for the writ in that court, the stay shall continue until final disposition by
11 the Supreme Court of the United States. Upon the filing of a copy of an order of
12 the Supreme Court of the United States denying the petition for writ of certiorari
13 the remittitur shall issue immediately.....”

14 Good cause exists for stay of Remittitur in this case due to the nature of the issues
15 intended to be raised. As such the propriety of the decision should be scrutinized by the
16 highest Court in the land.

17 A stay of ninety (90) days in issuance of the remittitur is therefore respectfully
18 requested.

19 DATED: 5/20/09


20 BY 
21 JONELL THOMAS, ESQ.
22 Nevada Bar No. 4771
23 330 S. Third St., Ste. 800
24 Las Vegas, Nevada 89155
25 (702)455-6265

26 CERTIFICATE OF MAILING

27 I, KATHLEEN FITZGERALD, do hereby certify that on the 21 day of May, 2009,
28 a copy of the foregoing Motion was deposited in the United States Mail at Las Vegas,
Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid,
addressed to the following:

District Attorney
Clark County Courthouse
200 Lewis Ave., 3rd Floor
Las Vegas, Nevada 89155

Nevada Attorney General
100 N. Carson Street
Carson City, Nevada 89701


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KATHLEEN FITZGERALD
an employee of the Special Public Defender

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