

● ORIGINAL ●

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP J. KOHN,
CLARK COUNTY SPECIAL PUBLIC DEFENDER,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, COUNTY OF
CLARK, THE HONORABLE JEFFREY R. SOBEL,
DISTRICT COURT JUDGE,

Respondent,

DONTE JOHNSON aka JOHN WHITE,

Real Party in Interest.

Case No. *34461*
(Dist. Ct. No. C153154)

FILED

JUL 21 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

SUPPLEMENTAL AUTHORITIES IN SUPPORT OF PETITION FOR WRIT
OF MANDAMUS AND MOTION FOR STAY OF PROCEEDINGS

COMES NOW Petitioner, PHILIP J. KOHN, Special Public
Defender, by and through JOSEPH S. SCISCENTO and DAYVID J. FIGLER,
Deputy Special Public Defenders, and hereby submits this Supplemental
Authorities in Support of its Motion for stay of Proceedings.

DATED this 20th day of July, 2000.

PHILIP J. KOHN
CLARK COUNTY SPECIAL PUBLIC DEFENDER

By *[Signature]*
JOSEPH S. SCISCENTO
DEPUTY SPECIAL PUBLIC DEFENDER
Nevada Bar #4380
309 South Third Street, 4th Floor
Las Vegas, Nevada 89155-2316
(702) 455-6265

RECEIVED

JUL 21 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

00-12611

1 SUPPLEMENTAL AUTHORITIES

2 The Petitioner in the above-referenced matter having filed
3 by facsimile its Petition for Writ of Mandamus and Emergency Motion
4 for Stay of Proceedings invites this Court to additionally review
5 Ostman v. District Court, 107 Nev. 563 (1991). In that case, the
6 court permitted a writ of mandamus to be filed by defendant because
7 the issue was purely legal. In the present matter, no factual
8 determination need be made with regard to the application of Apprendi
9 v. New Jersey, ___ U.S. ___ 2000 WL 807189 (June 26, 2000) to the
10 three judge panel system as applied in Nevada capital cases.

11 Respectfully submitted,

12 PHILIP J. KOHN
13 CLARK COUNTY SPECIAL PUBLIC DEFENDER

14 By 

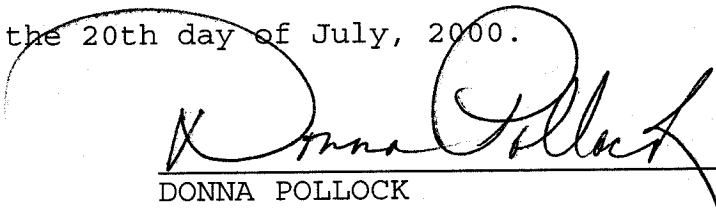
15 JOSEPH S. SCISCENTO
16 DEPUTY SPECIAL PUBLIC DEFENDER
17 Nevada Bar #4380
18 309 South Third Street, 4th Floor
19 Las Vegas, Nevada 89155-2316
20 (702) 455-6265
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1 DECLARATION OF FACSIMILE AND MAILING

2 DONNA POLLOCK, an employee with the Clark County Special
3 Public Defender's Office, hereby declares that she is, and was when
4 the herein described mailing took place, a citizen of the United
5 States, over 21 years of age, and not a party to, nor interested in,
6 the within action; that on the 20th day of July, 2000, declarant
7 deposited in the United States mail at Las Vegas, Nevada, a copy of
8 the Supplemental Authorities in Support of Petition for Writ of
9 Mandamus and Emergency Motion for Stay of Proceedings in the case of
10 Philip J. Kohn, Petitioner vs. The Eighth Judicial District Court of
11 the State of Nevada, County of Clark, the Honorable Jeffrey R. Sobel,
12 District Court Judge, Respondent, Donte Johnson, Real Party in
13 Interest, Case No. C153154, enclosed in a sealed envelope upon which
14 first class postage was fully prepaid, addressed to Frankie Sue Del
15 Papa, Attorney General, 100 North Carson Street, Carson City, Nevada
16 89701-4717; Judge Michael R. Griffin, District Court Judge, 885 East
17 Musser Street, Carson City, Nevada 89701, Department 1, Suite 3061,
18 Fax (775) 887-2272; Judge Steven P. Elliott, P.O. Box 30083, Reno,
19 Nevada 89520, Fax (775) 328-3829; that there is a regular
20 communication by mail between the places of mailing and the places so
21 addressed.

22 I declare under penalty of perjury that the foregoing is
23 true and correct.

24 EXECUTED on the 20th day of July, 2000.

25 
26 DONNA POLLOCK
27
28

1 RECEIPT OF A COPY of the foregoing Supplemental Authorities
2 in Support of Petition for Writ of Mandamus and Emergency Motion for
3 Stay of Proceedigns is hereby acknowledged this 20th day of July,
4 2000.

5 STEWART L. BELL
6 CLARK COUNTY DISTRICT ATTORNEY

7
8 By Adrienne Mulkey

9
10 RECEIPT OF A COPY of the foregoing Supplemental Authorities
11 in Support of Petition for Writ of Mandamus and Emergency Motion for
12 Stay of Proceedgins is hereby acknowledged this 20th day of July,
13 2000.

14 JEFFREY R. SOBEL
15 DISTRICT COURT JUDGE, DEPARTMENT V

16
17 By Elana Raro

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