

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON DUVAL MCCARTY

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Jun 29 2016 10:15 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO: 58101

MOTION TO STAY REMITTITUR

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, RYAN J. MACDONALD, and submits this Motion to Stay Remittitur.

This motion is based on the following memorandum, declaration, and all papers and pleadings on file herein.

Dated this 29th day of June, 2016.

Respectfully submitted,

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

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD
Deputy District Attorney
Nevada Bar #012615
Office of the Clark County District Attorney

MEMORANDUM

On March 31, 2016, this Court reversed and remanded Appellant Jason McCarty's convictions and sentence of death in a published 3-1-3 decision. *McCarty v. State*, 132 Nev., Adv. Op. 20. The State's application for rehearing of this decision was denied on June 24, 2016. Pursuant to NRAP 41(b), the State requests that this Court stay issuance of Remittitur pending the filing of a Petition for Writ of Certiorari in the United States Supreme Court. Because this Court's decision reversing this death case rested upon a finding that the United States Constitution was violated, good cause exists to permit the High Court to weigh in if warranted.

Dated this 29th day of June, 2016.

Respectfully submitted,

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

BY */s/ Ryan J. MacDonald*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on June 29, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

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BY /s/ E.Davis
Employee, District Attorney's Office

RJM//ed