

IN THE SUPREME COURT OF THE STATE OF NEVADA

1  
2  
3 ZANE MICHAEL FLOYD,  
4 Appellant,  
5 vs.  
6 THE STATE OF NEVADA,  
7 Respondent.

Case No. 36752

**FILED**

MAY 20 2002

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK


MOTION FOR STAY OF REMITTITUR PENDING  
APPLICATION FOR CERTIORARI


10 COMES NOW, the Appellant, ZANE MICHAEL FLOYD, by and  
11 through his counsel, Clark County Deputy Public Defender, ROBERT L.  
12 MILLER, and, pursuant to **NRAP 41(b)**, respectfully requests this  
13 Honorable Court to stay issuance of the remittitur through and  
14 including the 5<sup>th</sup> day of August, 2002.

15 This Motion is based upon the Affidavit of counsel  
16 attached hereto.

17 DATED this 16<sup>th</sup> day of May, 2002.

18 MARCUS D. COOPER  
19 CLARK COUNTY PUBLIC DEFENDER

20  
21 By   
22 ROBERT L. MILLER  
23 NEVADA BAR #1060  
24 DEPUTY PUBLIC DEFENDER  
25 309 SOUTH THIRD STREET, SUITE #226  
26 LAS VEGAS, NEVADA 89155-2610  
27 (702) 455-4685  
28

**RECEIVED**  
MAY 20 2002  
CLERK OF SUPREME COURT  
By  DEPUTY CLERK

02-08792

A F F I D A V I T

1  
2 STATE OF NEVADA            )  
                                  ) ss:  
3 COUNTY OF CLARK         )

4                 ROBERT L. MILLER, being first duly sworn, deposes and  
5 states as follows:

6                 1. That he is an attorney duly licensed to practice law  
7 in the State of Nevada and the Deputy Public Defender assigned to  
8 represent Zane Michael Floyd in Nevada Supreme Court Case No. 36752.

9                 2. That an Order denying Appellant's Petition for  
10 Rehearing was filed on the 7<sup>th</sup> day of May, 2002.

11                3. That pursuant to **United States Supreme Court Rule 13.1**  
12 and **13.3**, a Petition for Writ of Certiorari is deemed timely filed  
13 if filed within ninety (90) days from the date of the denial of the  
14 Petition for Rehearing. In the case at bar, this would require  
15 filing of the Petition on or before August 5, 2002.

16                4. That Affiant intends to file, and is in the process of  
17 preparing, a Writ of Certiorari to the United States Supreme Court.

18                Based on the foregoing, it is respectfully requested that  
19 this Court stay the remittitur through and including the 5<sup>th</sup> day of  
20 August, 2002. Additionally, it is requested that if the Clerk of  
21 the Nevada Supreme Court receives notice from the Clerk of the  
22 United States Supreme Court that Appellant has, in fact, filed his

23 . . .

24 . . .

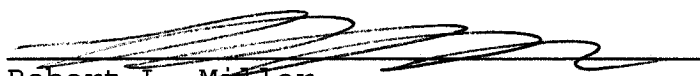
25 . . .

26 . . .

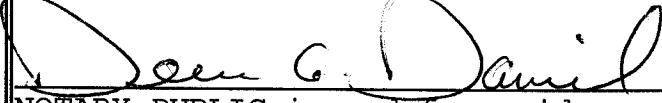
27 . . .

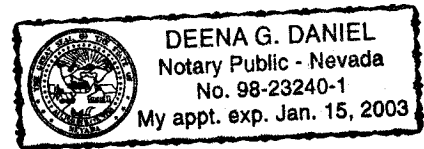
28 . . .

1 Petition for Writ of Certiorari, that this stay continue in effect  
2 until final disposition of the certiorari proceedings.

3  
4   
Robert L. Miller

5  
6 Subscribed and sworn to before me  
7 this 16<sup>th</sup> day of May, 2002.

8   
9 NOTARY PUBLIC in and for said  
County and State.



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

15 I declare under penalty of perjury that the foregoing is  
16 true and correct.

18   
19 Deena Daniel

26 STEWART L. BELL  
CLARK COUNTY DISTRICT ATTORNEY

28 || By Nadine Mulkey