

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDOLPH MOORE,

Petitioner/Appellant,

vs.

TIMOTHY FILSON, et al.,

Respondents/Appellees.

Electronically Filed
May 01 2018 08:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No. 69269
District Court Case No. 69269

(Death Penalty Habeas Corpus
Case)

MOTION TO STAY THE REMITTITUR

Appellant, Randolph Moore moves for an order staying the issuance of remittitur and execution of judgment until this Court receives notice from the United States Supreme Court that a petition for writ of certiorari has been filed in this case. NRAP 41(b)(3).

DATED this 30th day of April, 2018.

Respectfully submitted,

/s/ Randolph M. Fiedler

RANDOLPH M. FIEDLER
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POINTS AND AUTHORITIES

Nevada Rule of Appellate Procedure 41(b)(3) provides for a stay of the issuance of this Court’s remittitur pending filing of a petition for certiorari in the United States Supreme Court. “A party may file a motion to stay the remittitur pending application to the Supreme Court of the United States for a writ of certiorari.” NRAP 41(b)(3)(A). The rule contemplates a stay of 120 days unless good cause is shown. Once the petition is filed, “the stay shall continue until final disposition by the Supreme Court of the United States.” NRAP 41(b)(3)(B).

This is a death penalty case. Moore has raised federal constitutional issues that are subject to review by the United States Supreme Court. Counsel for Moore will seek review by filing a petition for writ of certiorari. Accordingly, this Court should stay issuance of remittitur pending the filing and final disposition of a petition for writ of certiorari.

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DATED this 30th day of April, 2018.

Respectfully submitted,

/s/ Randolph M. Fiedler
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 30th day of April, 2018. Electronic service of the foregoing MOTION TO STAY THE REMITTITUR shall be made in accordance with the master service list as follows:

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/s/ Richard D. Chavez

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