

IN THE SUPREME COURT OF THE STATE OF NEVADA

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RANDOLPH MOORE,

Petitioner/Appellant,

vs.

WILLIAM GITTERE, Acting
Warden, et al.,¹

Respondents/Appellees.

Supreme Court No. 66652 Electronically Filed
Aug 14 2018 03:47 p.m.
District Court Case No. 89289 Elizabeth A. Brown
Clerk of Supreme Court

(Death Penalty Habeas Corpus
Case)

MOTION TO CONTINUE STAY OF REMITTITUR

¹ Pursuant to NRAP 43(c)(1), Acting Warden Gittere is substituted in place of Timothy Filson.

Appellant Randolph Moore files this Motion to Continue Stay of Remittitur. *See* NRAP 41(b)(3).

Dated this 14th day of August, 2018.

Respectfully submitted,

/s/ Randolph M. Fiedler

RANDOLPH M. FIEDLER

Assistant Federal Public Defender

Nevada Bar No. 12577

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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. Mr. Moore already requested, and this Court ordered, a stay of the remittitur in this case for 120 days, until August 27, 2018. *See* Order Staying Issuance of Remittitur (May 3, 2018).

On July 17, 2018, the United States Supreme Court granted an extension of time within which Mr. Moore could file his petition for writ of certiorari, up to and including September 24, 2018. Nevada Rule of Appellate Procedure 41(b)(3)(B) allows that a stay of remittitur can "for cause shown" be extended. Cause is present here because this is a death penalty case raising federal constitutional grounds subject to the United States Supreme Court's review. These issues are important. This Court should allow the United States Supreme Court to consider whether they warrant granting a petition for writ of certiorari.

Mr. Moore requests this Court extend the stay of remittitur up to and including September 30, 2018, which will provide enough time for

this Court to receive notice “from the clerk of the Supreme Court of the United States” that Mr. Moore has filed his petition.²

Dated this 14th day of August, 2018.

Respectfully submitted,

/s/ Randolph M. Fiedler

RANDOLPH M. FIEDLER

Assistant Federal Public Defender

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² Per NRAP 41(b)(3)(B), and this Court’s May 3, 2018 Order, once this Court receives notification that a petition for writ of certiorari has been filed, the stay “shall continue in effect until final disposition of the certiorari proceedings.” Order (May 3, 2018); *see also* NRAP 41(b)(3)(B).

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 14th day of August, 2018, electronic service of the foregoing MOTION TO CONTINUE STAY OF

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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