

IN THE SUPREME COURT OF THE STATE OF NEVADA

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RANDOLPH MOORE,

Petitioner/Appellant,

vs.

WILLIAM GITTERE, Warden, et
al.,¹

Respondents/Appellees.

Electronically Filed
Oct 02 2018 09:37 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Case No. 66652
District Court Case No. 69269
(Death Penalty Habeas Corpus
Case)

MOTION TO CONTINUE STAY OF REMITTITUR

Appellant Randolph Moore requests an order continuing the stay of the remittitur and execution of judgment until this Court receives notice from the Supreme Court of the United States that a petition for writ of certiorari has been filed and pending the final disposition of the petition for writ of certiorari. NRAP 41(b)(3)(B).

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

This motion is based upon the following memorandum of points and authorities.

DATED this 1st day of October, 2018.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

/s/ *Randolph M. Fiedler*
RANDOLPH M. FIEDLER
Assistant Federal Public Defender
Nevada Bar No. 12577
411 E. Bonneville Ave., Suite 250
Las Vegas, Nevada 89101
702-388-6577

POINTS AND AUTHORITIES

NRAP 41(b)(3) provides for a stay of the issuance of this Court's remittitur pending the filing of a petition for writ of 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. NRAP 41(b)(3)(B).

On August 22, 2018, this Court granted Appellant's motion to stay issuance of the remittitur until October 1, 2018. Appellant asked the United States Supreme Court for an extension of time to file his petition for writ of certiorari. Justice Kennedy granted an extension of time until September 24, 2018.

Appellant Randolph Moore filed his petition for writ of certiorari on September 24, 2018. A copy of the receipt for UPS delivery is attached as Exhibit 1.

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Appellant requests this Court continue the stay of the issuance of remittitur pending the final disposition of a petition for writ of certiorari in the United States Supreme Court.

DATED this 1st day of October, 2018.

Respectfully submitted,

/s/ *Randolph M. Fiedler*

RANDOLPH M. FIEDLER

Assistant Federal Public Defender

Nevada Bar No. 12577

411 E. Bonneville Ave., Suite 250

Las Vegas, Nevada 89101

702-388-6577

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 1st day of October 2018, electronic service of the foregoing MOTION TO CONTINUE STAY OF

REMITTITUR shall be made in accordance with the Master Service

List as follows:

Steven Owens
Chief Deputy District Attorney
Motions@clarkcountyda.com
Eileen.Davis@clarkcountyda.com

/s/ *Jeremy Kip*

An Employee of the
Federal Public Defender,
District of Nevada

EXHIBIT 1

EXHIBIT 1

From: UPS Quantum View
To: [Katie McCarthy](#)
Subject: UPS Delivery Notification, Tracking Number 1Z79A5562490683913
Date: Tuesday, September 25, 2018 7:23:28 AM



Your package has been delivered.

Delivery Date: Tuesday, 09/25/2018

Delivery Time: 10:14 AM

At the request of FEDERAL PUBLIC DEF 9TH CIR this notice alerts you that the status of the shipment listed below has changed.

Shipment Detail

| | |
|----------------------------|----------------------------------------------------------------------------|
| Tracking Number: | 1Z79A5562490683913 |
| Ship To: | CLERK SUPREME COURT OF US 3035 V ST NE WASHINGTON, DC 20018 US |
| UPS Service: | UPS NEXT DAY AIR |
| Number of Packages: | 1 |
| Weight: | 5.0 LBS |
| Delivery Location: | RECEIVER KOUROS |
| Signature Required: | A signature is required for package delivery |
| Oversize: | Yes |
| Reference Number 1: | CARLOTTO, LAUREN |
| Reference Number 2: | ANTHONY, DAVID |
| Reference Number 3: | RANDOLPH LYLE MOORE |



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