

1 **MOT**

2 **RICHARD E. TANASI, ESQ.**

3 Nevada Bar No. 9699

4 **TANASI LAW OFFICES**

5 601 S. Seventh Street, 2<sup>nd</sup> Floor

6 Las Vegas, NV 89101

7 Telephone: (702) 906-2411

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9 *Attorney for Defendant/Movant/Appellant HOBSON*

Electronically Filed  
Mar 23 2016 04:56 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

10 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

11 STATE OF NEVADA )

Supreme Court Case No.69981

District Court No. C-14-303022-1

12 Plaintiff, )

13 vs. )

14 TONY LEE HOBSON, et al, )

15 Defendant/Movant/Appellant )

16 **MOTION TO STAY**

17 **[EMERGENCY MOTION UNDER NRAP 27(e)]**

18  
19 *N.R.A.P. 27(e)(2) statement:* Defendant, TONY LEE HOBSON, by and  
20 through his attorney, RICHARD E. TANASI, ESQ. of TANASI LAW  
21 OFFICES, moves this Honorable Court to stay the District Court proceedings,  
22 under N.R.A.P 8 and N.R.A.P. 27(e). Defendant HOBSON respectfully  
23 requests this Honorable Court act on this Motion before Calendar Call in this  
24 matter, which is set for April 20, 2016.

25 DATED this 23 day of March, 2016.

26  
27   
28 Richard E. Tanasi, Esq.

## MEMORANDUM OF POINTS AND AUTHORITIES

**I.**  
**RELEANT PROCEDURAL FACTS, CERTIFICATE, AND AFFIDAVIT**  
**OF RICHARD E. TANASI, ESQ. UNDER N.R.A.P. 27(e)**

STATE OF NEVADA )

)ss.

COUNTY OF CLARK )

RICHARD E. TANASI, ESQ., hereby swears under penalty of perjury, that the following assertions are true:

1. I am an attorney licensed to practice law in the state of Nevada, and work for TANASI LAW OFFICES.

2. Affiant represents Defendant Hobson in this matter.

3. *N.R.A.P.* 27(e)(1): Before filing this Motion, Affiant's office contacted the clerk of the Supreme Court (via telephone), the Attorney General's office (via telephone), opposing counsel (via email), and co-defendant Starr's counsel (via email) to notify them Affiant and Defendant are filing this Motion. All said parties were also served as outlined in the certificate of service below. *See, N.R.A.P.* 27(e)(1).

4. *N.R.A.P. 27(e)(3)(A)*: The parties contact information, as required by *N.R.A.P. 27(e)(3)(a)*, is listed in the certificate of service below.

5. *N.R.A.P. 27(e)(3)(B)*: The facts showing the existence and nature of the claimed emergency are as follows: On May 18, 2015, the Honorable Judge Kephart verbally denied Defendant Hobson's Petition for Writ of Habeas Corpus. On March 14, 2016, Defendant Hobson filed a Notice of Appeal with this Honorable Court, challenging the Honorable Judge Kephart's

1 denial. On March 17, 2016, Defendant Hobson filed a Motion to Stay/Continue  
2 Trial in District Court. On March 23, 2016, the Honorable Judge Kephart  
3 denied Defendant Hobson's Motion to Stay/Continue. Calendar Call is set for  
4 April 20, 2016. Trial is set for April 25, 2016. Defendant Hobson's Appeal  
5 seeks to effectively dismiss all or some of counts against him. As a result, if  
6 Defendant Hobson's appeal is not decided before his trial, he could be tried on  
7 charges that this Honorable Court may have dismissed. Consequently, the stay-  
8 relief sought by the instant motion is emergent and necessary to avoid  
9 irreparable harm.


10  
11 6. *N.R.A.P. 27(e)(3)(C)*: Please see the Certificate of Service  
12 below.

13  
14 7. *N.R.A.P. 27(e)(4)*: This Motion was denied by the  
15 Honorable Judge Kephart, on March 23, 2016.

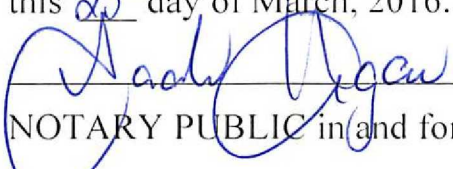
16 8. This request is not for the purposes of delay.

17 9. Based upon the foregoing, good cause to stay the  
18 proceedings exists.

19  
20 FURTHER YOUR AFFIANT SAYETH NAUGHT.

21  
22   
23 RICHARD E. TANASI, ESQ.

24 SUBSCRIBED and SWORN to before me  
25 this 23<sup>rd</sup> day of March, 2016.

26   
27 NOTARY PUBLIC in and for  
28 said County and State.



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## II. LEGAL ARGUMENT

**A. Mr. Hobson's Motion Must Be Granted to Avoid The Irreparable Harm of Being Tried and Detained on Charges That This Honorable Court May Dismiss Pursuant to Mr. Hobson's Appeal.**

N.R.A.P. 8(a)(2) states the following in relevant part:

**(2) *Motion in the Court; conditions on relief.*** A motion for the relief mentioned in Rule 8(a)(1) may be made to the Supreme Court or the Court of Appeals or to one of its justices or judges.

**(A)** The motion shall:

**(i)** show that moving first in the district court would be impracticable; or

**(ii)** state that, a motion having been, made, the district court denied the motion or failed to afford the relief requested and state any reasons given by the district court for its action.

**(B)** The motion shall also include:

**(i)** the reasons for granting the relief requested and the facts relied on;

**(ii)** originals or copies of affidavits or other sworn statements supporting facts subject to dispute; and

**(iii)** relevant parts of the record.

**(C)** The moving party must give reasonable notice of the motion to all parties.

...

Here, Mr. Hobson's Motion to Stay/Continue was denied by the Honorable Judge Kephart, on March 23, 2016. *See*, 3/23/16 Minute Order, attached hereto as Ex. "A." The Honorable Judge Kephart reasoned that "at this time he is inclined to deny the motion to stay pending additional information from the Nevada Supreme Court...COURT ORDERED, Motion to

1 stay DENIED IN PART as to the stay and Court will re-address the motion to  
2 continue trial at the calendar call....” *Id.*

3  
4 Mr. Hobson’s appeal and instant Motion is based upon Mr. Hobson’s  
5 Petition for Writ of Habeas Corpus, which was filed on, March 18, 2015. The  
6  
7 Petition sought to dismiss all eighty-two (82) counts, including but not limited  
8 to the kidnapping counts alleged, which carry life sentences.

9  
10 On May 18, 2015, the Honorable Judge Kephart verbally denied  
11 Defendant Hobson’s Petition for Writ of Habeas Corpus. When this Motion  
12 was filed, the Written Order reflecting the May 18, 2015 verbal denial had not  
13  
14 been entered.

15  
16 On March 14, 2016, Defendant Hobson filed a Notice of Appeal with this  
17 Honorable Court, challenging the Honorable Judge Kephart’s denial. On March  
18 17, 2016, Defendant Hobson filed a Motion to Stay/Continue Trial in District  
19 Court. On March 23, 2016, the Honorable Judge Kephart denied Defendant  
20  
21 Hobson’s Motion to Stay/Continue.


22  
23 Calendar Call is set for April 20, 2016. Trial is set for April 25, 2016.  
24 Defendant Hobson’s Appeal seeks to effectively dismiss all or some of the  
25 counts against him. As a result, if Defendant Hobson’s appeal is not decided  
26  
27 before his trial, he could be tried on charges that this Honorable Court may have  
28 dismissed. Consequently, the stay-relief sought by the instant motion is

1 emergent and necessary to avoid irreparable harm.

2  
3 **III.**  
4 **CONCLUSION**

5 Therefore, based upon the foregoing, if Defendant Hobson's appeal is not  
6 decided before his trial, he could be tried on charges that this Honorable Court  
7 may have dismissed. Consequently, the stay-relief sought by the instant motion  
8 is emergent and necessary to avoid irreparable harm. Thus, Mr. Hobson  
9 respectfully requests this Honorable Court Order a stay of the District Court  
10 proceedings.  
11

12  
13 DATED this 23 day of March, 2016.

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16 Richard E. Tanasi, Esq.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23 day of March, 2016, I served a true and correct copy of the foregoing **MOTION TO STAY**, addressed to the following counsel of record at the following address(es), as follows:

X **VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on service list below in the United States mail at Las Vegas, Nevada.

Tony Lee Hobson  
#05992420  
Clark County Detention Center  
330 South Casino Center Blvd.  
Las Vegas, NV 89101

Adam Paul Laxalt  
Las Vegas Office:  
Office of the Attorney General  
Grant Sawyer Building  
555 E. Washington Avenue, Suite 3900  
Las Vegas, NV 89101

Supreme Court Clerk  
Supreme Court Building  
201 S. Carson Street  
Carson City, NV 89701  
(702) 486-9300

X **VIA ELECTRONIC SERVICE:** by emailing the address(es) below.

Elizabeth Mercer, Esq.  
Clark County District Attorney's Office  
200 Lewis Avenue  
Las Vegas, NV 89155  
elizabeth.mercer@clarkcountynvda.com  
PDMotions@clarkcountynvda.com

Lance Maningo, Esq.  
Belon and Maningo  
732 South Sixth Street, #102  
Las Vegas, NV 89101  
lam@belonandmaningo.com

  
An employee of **TANASI LAW OFFICES**

Exhibit A

Exhibit A



## REGISTER OF ACTIONS

CASE No. C-14-303022-1

State of Nevada vs Tony Hobson

Case Type: Felony/Gross Misdemeanor  
Date Filed: 12/12/2014  
Location: Department 19  
Cross-Reference Case Number: C303022  
Defendant's Scope ID #: 5992420  
Grand Jury Case Number: 14BGJ009  
ITAG Case ID: 1652742  
Supreme Court No.: 69981

### RELATED CASE INFORMATION

#### Related Cases

C-14-303022-2 (Multi-Defendant Case)

C-14-303022-3 (Multi-Defendant Case)

### PARTY INFORMATION

Defendant Hobson, Tony Lee

Lead Attorneys  
Richard E. Tanasi  
Court Appointed  
702-906-2411(W)

Plaintiff State of Nevada

Steven B Wolfson  
702-671-2700(W)

### CHARGE INFORMATION

#### Charges: Hobson, Tony Lee

	Statute	Level	Date
1. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	10/28/2014
2. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	10/28/2014
3. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	10/28/2014
4. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	10/28/2014
5. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	10/28/2014
6. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	10/28/2014
7. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	10/28/2014
8. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	10/29/2014
9. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	10/29/2014
10. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	10/29/2014
11. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/01/2014
12. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/01/2014
13. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/01/2014
14. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/01/2014
15. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/01/2014
16. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/03/2014
17. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/03/2014
18. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/03/2014
19. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/03/2014
20. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/03/2014
21. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/03/2014
22. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/04/2014

WEAPON			
23. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/04/2014
24. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/04/2014
25. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/04/2014
26. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/15/2014
27. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/15/2014
28. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/15/2014
29. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/15/2014
30. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/15/2014
31. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/15/2014
32. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/15/2014
33. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/17/2014
34. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/17/2014
35. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/17/2014
36. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/17/2014
37. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/17/2014
38. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/17/2014
39. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/17/2014
40. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/17/2014
41. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/17/2014
42. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/17/2014
43. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/17/2014
44. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/21/2014
45. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/21/2014
46. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/21/2014
47. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/21/2014
48. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/23/2014
49. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/22/2014
50. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/22/2014
51. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/22/2014
52. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/23/2014
53. CONSPIRACY TO COMMIT KIDNAPPING	200.310.1	Felony	11/23/2014
54. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/23/2014
55. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/23/2014
56. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/23/2014
57. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/23/2014
58. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/23/2014
59. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/23/2014
60. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/23/2014

WEAPON			
61. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/23/2014
62. CONSPIRACY TO COMMIT KIDNAPPING	200.310.1	Felony	11/23/2014
63. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/23/2014
64. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/23/2014
35. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/23/2014
66. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/23/2014
67. ATTEMPT FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/23/2014
68. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	Felony	11/24/2014
69. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/24/2014
70. CONSPIRACY TO COMMIT KIDNAPPING	200.310.1	Felony	11/24/2014
71. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/24/2014
72. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/24/2014
73. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/24/2014
74. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/24/2014
75. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/24/2014
76. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/24/2014
77. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/24/2014
78. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/24/2014
79. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	Felony	11/24/2014
80. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/24/2014
81. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	11/25/2014
82. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	11/25/2014

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**EVENTS & ORDERS OF THE COURT**

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03/23/2016 All Pending Motions (8:30 AM) (Judicial Officer Kephart, William D.)

**Minutes**

03/23/2016 8:30 AM

- PRE TRIAL CONFERENCE ... DEFENDANT'S MOTION TO STAY AND MOTION TO CONTINUE TRIAL APPEARANCES CONTINUED: Defendant Starr present in custody and represented by Marisa Border Esq. Court noted at this time he is inclined to deny the motion for stay pending additional information from the Nevada Supreme Court. Mr. Tanasi advised he received State's opposition to the motion and requested time to file a written response. Conference at the bench. COURT ORDERED, Motion to stay DENIED IN PART as to the stay and Court will re-address the motion to continue the trial at the calendar call date as it was represented that Defendant Starr will not be opposing the continuance. CUSTODY (BOTH)

Parties Present

Return to Register of Actions