

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY DECORLEON BROWN,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
COUNTY OF CLARK, THE
HONORABLE VALERIE ADAIR,
DISTRICT COURT JUDGE – DEPT. XXI

Respondent,

and

THE STATE OF NEVADA,

Real Party in Interest,

No. 80094

Electronically Filed
Dec 03 2019 04:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
(DC. No. C-17-326247-1)

**MOTION FOR EXPEDITED CONSIDERATION AND
EMERGENCY STAY OF DISTRICT COURT PROCEEDINGS**

Under NRAP 27(e)

Action is necessary by December 6, 2019

ATTORNEYS FOR PETITIONER

MONICA R. TRUJILLO NBN 11301
Chief Deputy Special Public Defender
W. JEREMY STORMS NBN 10772
Chief Deputy Special Public Defender
JONELL THOMAS NBN 4771
Special Public Defender
Clark County Special Public Defender
330 South 3rd Street
Las Vegas, Nevada 89155
(702) 455-6265

ATTORNEY FOR RESPONDENT

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
Regional Justice Center
200 Lewis Ave.
Las Vegas, Nevada 89155
(702) 671-2500

COMES NOW, Appellant Larry Brown, by and through his attorneys JoNell Thomas, Special Public Defender, Monica R. Trujillo, Chief Deputy Special Public Defender, and W. Jeremy Storms, Chief Deputy Special Public Defender, and moves this Court for expedited consideration of the Writ of Mandamus filed on November 27, 2019 and an emergency stay of the lower court proceedings (trial set to commence December 9, 2019) in Case No. C326247. The Writ of Mandamus was accepted and filed under Docket Number 80094.

Appellant requested that the District Court stay the proceedings in the lower court until such time as the Supreme Court made a decision as to the Writ of Mandamus, and same was denied (APP, pages 107, 131, 141).

This motion is made and based on the Declaration of Counsel attached hereto.

DATED this 3rd day of December, 2019.

RESPECTFULLY SUBMITTED BY:



W. JEREMY STORMS
Nevada Bar #010772
MONICA TRUJILLO
Nevada Bar #11301

) SS:

W. JEREMY STORMS, being first duly sworn, deposes and says:

1. That I am an attorney duly licensed to practice law in the State of

2. Counsel for Mr. Brown are Monica Trujillo and W. Jeremy Storms who


3. Counsel for the State, John Giordani can be reached at 702-671-2775,

4. The District Court Judge can be reached 702-671-4446 or 200 Lewis

5. Counsel contacted the Mr. Giordani and the District Court on December

6. Trial is scheduled to start the coming Monday, December 9th. This emergency request is made to avoid irreparable harm to Mr. Brown as well as avoid a potentially costly and lengthy appellate process if he is convicted.

Further your Affiant sayeth naught



W. Jeremy Storms

DECLARATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)


W. JEREMY STORMS, being first duly sworn, deposes and says:

1. During the hearing held on November 21st 2019 in C-17-326247-1, counsel requested a stay of the proceedings to appeal three issues;
2. Those requests for a stay were denied by the District Court;
3. As counsel was aware of the rule of NRAP 27(e), but was going to file the Writ of Mandamus in this case one day prior to the 14 days which triggered the rule for an emergency motion, out of an abundance of caution and with NRAP 27(e)(1) in mind, the Supreme Court Clerk's Office was contacted.
4. Counsel and co-counsel understood from the conversation had with Supreme Court staff that since the motion was filed outside the 14 day mark the rules of NRAP 27(e) did not apply to the circumstances of the case.
5. The Petition for Writ of Mandamus was filed with the Court on November 27th and it is listed under Docket Number 80094.
6. Counsel contacted the Court's staff again today and was informed that no immediate relief was requested in the original writ filed November 27th.
7. Counsel now files the emergency motion and a request for a stay as trial is set to begin on December 9th.

8. Counsel filed the writ and served copies to both the State and the District Court on or about November 27th.

9. The emergency in this case involves the admission of forensic evidence that affects Mr. Brown's right to a fair trial as well as the denial of his right of access to information from which he can challenge the State's case. In short, the court has signaled it will deny Mr. Brown his right of confrontation with regards to the cell phone data the State seeks to introduce against him as well as allowing other forensic evidence to be brought in without expert testimony.

Further your Affiant sayeth naught



W. Jeremy Storms

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 3rd day of December, 2019, a copy of the foregoing Motion was filed with the Nevada Supreme Court. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Clark County District Attorney's Office
Regional Justice Center

200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

I further certify that on same date a copy was mailed to the following:

The Honorable Valerie Adair
Eighth Judicial District Court, Department XXI
Regional Justice Center
200 Lewis Avenue, 11C
Las Vegas, Nevada 89101

RESPECTFULLY SUBMITTED:



W. JEREMY STORMS
Nevada Bar #010772
MONICA TRUJILLO
Nevada Bar #13001