

Case No. 83796

Supreme Court of Nevada

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Sep 27 2023 04:37 PM
Elizabeth A. Brown
Clerk of Supreme Court

Donte Johnson,

Appellant,

vs.

State of Nevada, *et al.*,

Appellee.

**Motion to Stay Remittitur
Pending Filing and
Resolution of Petition for
Writ of Certiorari**

DEATH PENALTY CASE

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POINTS AND AUTHORITIES

NRAP 41(b)(3)(A) 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. 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. Appellant has raised federal constitutional issues that are subject to review by the United States Supreme Court. Counsel for Mr. Johnson will seek review by filing a petition for certiorari consistent with the U.S. Supreme Court rules.

Accordingly, this Court should stay issuance of remittitur pending the filing and final disposition of Johnson's petition for writ of certiorari.

Dated this 27th day of September, 2023.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Randolph M. Fiedler

Randolph M. Fiedler
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on September 27th, 2023, I electronically filed the foregoing document with the Nevada Supreme Court by using the appellate electronic filing system. The following participants in the case will be served by the electronic filing system:

Alex Chen
Chief Deputy District Attorney
Clark County District Attorney's Office

/s/ Lisa Keller
An Employee of the
Federal Public Defender