

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM BLANDINO,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

Electronically Filed
Mar 25 2024 11:39 AM
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No. C341767
District Court Case No.: C341767

MOTION TO STAY THE REMITTITUR

Appellant Kim Blandino hereby moves this Court, pursuant to NRAP 41(b)(2), for an order staying the remittitur and execution of judgment of this Court until such time as this Court receives notice from the Supreme Court of the United States that a petition for writ of certiorari has been filed in this case. See NRAP 41(b)(2).

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

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DATED this 25th day of March 2024.

Respectfully submitted,



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POINTS AND AUTHORITIES

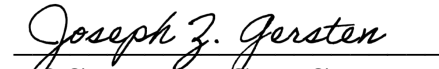
NRAP 41(b)(2) provides for a stay of the issuance of this Court's remittitur pending the filing of a petition for certiorari in the United States Supreme Court. See NRAP 41(b)(2). "A party may file a motion to stay the remittitur pending application to the Supreme Court of the United States for a Writ of certiorari." Id. The rule contemplates a stay of 120 days unless good cause is shown. Id.

This Motion originally filed was denied on March 22, 2024, as being untimely / early, as the Petition for Review was pending. See NSC Order attached hereto. Appellant received notice of his Petition being denied at 11:18 am on March 25, 2024. Appellant checked the NSC website at 11:19 am and noticed the Remittitur had already been filed. Appellant prays this Court suspend /stay or in the alternative recall the Remittitur to file a petition for writ of certiorari as previously noted.

Appellant will be filing a petition for writ of certiorari in the United States Supreme Court no later than July 9, 2024. Appellant hereby requests that this Court stay the issuance of remittitur pending the filing and final disposition of a petition for writ of certiorari in the United States Supreme Court.

DATED this 25th day of March 2024.

Respectfully submitted,


JOSEPH Z. GERSTEN

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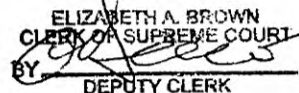
IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM DENNIS BLANDINO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84433

FILED

MAR 22 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING MOTION

On March 12, 2024, appellant filed a motion to stay the issuance of the remittitur pending application for a writ of certiorari in the United States Supreme Court. See NRAP 41(b)(3). On March 10, 2024, appellant filed a timely petition for review by this court of the decision in Docket No. 84433-COA, which remains pending. Issuance of the remittitur is currently stayed by the filing of the petition for review. NRAP 41(b)(2). Accordingly, appellant's motion is denied at this time. Appellant may refile a motion to stay issuance of the remittitur pursuant to NRAP 41(b)(3) upon this court's resolution of the pending petition for review, if deemed necessary at that time.

It is so ORDERED.

 C.J.

cc: The Gersten Law Firm PLLC
Attorney General/Carson City
Clark County District Attorney

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 25th day of March 2024. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY Joseph Z. Gersten
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