

ORIGINAL

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and
ROBERT D. NEWELL, ESQ.
DAVIS WRIGHT TREMAINE
1300 S. W. Fifth Avenue
Suite 2300
Portland, Oregon
(503) 241-2300

Attorneys for Appellant

IN THE
SUPREME COURT OF THE STATE OF NEVADA

* * *

DALE EDWARD FLANAGAN,
AppellantPetitioner,

vs.

THE STATE OF NEVADA, and E.K.
McDaniel, Warden, Ely State Prison,

Respondents.

CASE NO.: 40232

FILED

JUN 06 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

**LOCAL COUNSEL FOR APPELLANT'S
RESPONSE TO COURT'S ORDER OF MAY 24, 2005**

COMES NOW, Appellant's local counsel, CAL J. POTTER, III, ESQ. of POTTER LAW OFFICES, and hereby responds to this Honorable Court's Order for a response including a certified copy of the stipulation filed in the Eighth Judicial District Court, Clark County, Nevada, as follows:

On May 2, 2005, counsel for Appellant, Robert D. Newell, Esq., of Portland, Oregon, inadvertently filed a stipulation that was not signed by local counsel Cal J. Potter, III, Esq. Said stipulation was signed by Robert D. Newell, Esq. and by counsel for respondents, Steven S.

JUN 06 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK


05-11033

1 Owens.

2 Local counsel Cal J. Potter, III, Esq. respectfully submits this signed response and a
3 certified copy of the stipulation, attached hereto and incorporated by reference.

4 DATED this 3rd day of June, 2005.

5 **POTTER LAW OFFICES**

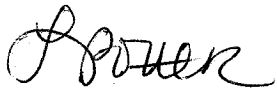
6
7
8 By 
9 **CAL J. POTTER, III, ESQ.**
10 Nevada Bar No. 001988
11 1125 Shadow Lane
12 Las Vegas, Nevada 89102
13 Attorneys for Appellant

14 **CERTIFICATE OF MAILING**

15 Pursuant to NRCP 5(b), I certify that I am an employee of POTTER LAW OFFICES, and
16 that, on this date, I deposited for mailing at Las Vegas, Nevada, a true copy of the **LOCAL**
17 **COUNSEL'S RESPONSE TO COURT'S ORDER OF MAY 24, 2005** addressed to:

18 Steven S. Owens
19 Deputy District Attorney
20 Clark County District Attorney's Office
21 200 South Third Street, 7th Floor
22 Las Vegas, Nevada 89155

23 DATED this 3rd day of June, 2005.

24
25 
26 Employee of Potter Law Offices
27
28

APR 26 2005

FILED

2005 MAY -2 A 8:45

E. J. Flanagan
CLERK

ORIGINAL

1 EXPT
2 **CAL J. POTTER III**
3 Nevada Bar No. 001988
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5 1125 Shadow Lane
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10 1300 S.W. Fifth Avenue, Suite 2300
11 Portland, Oregon 97201
12 Telephone (503) 241-2300

13 Attorney for Petitioner
14 Dale Edward Flanagan

10 EIGHTH JUDICIAL DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 DALE EDWARD FLANAGAN,
13 Petitioner,
14 v.
15 THE STATE OF NEVADA, and E.K.
16 McDANIEL, Warden, Ely State Prison,
17 Respondents.

DEATH PENALTY CASE
Case No. C69269
Dept. No. XII
Docket "S"

19 STIPULATION

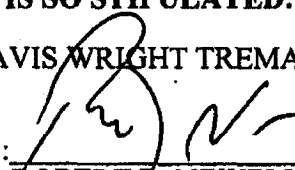
20 It is hereby stipulated by the parties through their counsel of record that during the
21 time this matter has been on limited remand from the Supreme Court to the trial court for
22 completion of the record, the parties have located some transcripts and have determined that
23 some proceedings did not occur. However, other proceedings were either not recorded or
24 occurred at such time that the court reporter has not retained notes of those proceedings and
transcripts are therefore unavailable. Accordingly, the parties hereby stipulate that, for those
proceedings that did occur for which no transcript is available, the court minutes (previously

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MAY 27 2005

1 filed), together with portions of the record related to those minutes, will substitute as a record of
2 any proceedings for which no transcript exists. This stipulation is made without waiver of any
3 claim or defense relating to the record.
4

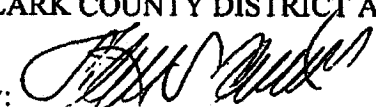
5 **IT IS SO STIPULATED:**

6 **DAVIS WRIGHT TREMAINE LLP**

7
8 By: 
9 **ROBERT D. NEWELL**

10 Attorney for Petitioner
Dale Edward Flanagan

11 **CLARK COUNTY DISTRICT ATTORNEY'S OFFICE**

12
13 By: 
14 **STEVEN S. OWENS**
Deputy District Attorney

15 Attorney for Respondents

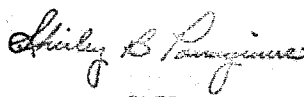
16
17 IT IS SO ORDERED this 28th day of April, 2005.

18
19 
20 **DISTRICT COURT JUDGE**
21
22
23
24
25
26

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

2005 MAY 27 P 2:14

Page 2 - STIPULATION


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Portland