1 IN THE SUPREME COURT OF THE STATE OF NEVADA 2 3 4 5 THE STATE OF NEVADA, 6 Petitioner,

VS.

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THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, and THE HONORABLE MARK E. GIBBONS, District Judge,

Respondents,

and

ALFRED P. CENTOFANTI, III,

Real Party in Interest.

No. <u>38987</u>

District Court No.C172534

FILED

JAN -2 2002

CLERK OF SUPREME COURT

BY

DEPUTY CLERK

EMERGENCY MOTION FOR STAY OF DISTRICT COURT PROCEEDINGS

COMES NOW the State of Nevada by STEWART L. BELL, District Attorney, through his deputy, CHRISTOPHER LAURENT, and moves to stay proceedings in district court in the case styled State of Nevada v. Alfred p. Centofanti, III, District Court Number C172534. This motion is based on the following declaration off counsel, the petition for writ of mandamus, and all papers and pleadings on file herein.

DATED this 27th day of December 2001.

Respectfully submitted,

STEWART L. BELL District Attorney

By: CNRISTOPHER LAURENT Chief Deputy District Attorney

Attorney for Petitioner

JAN 28 2 2002

JANETTE M. BLODM
CLERK OF SUPREME COURT
DEPUTY CLER

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DECLARATION (NRS 53.045)

I, CHRISTOPHER LAURENT, am a duly licensed attorney in the State of Nevada and am employed with the Clark County District Attorney's Office.

Said moved the district court to order the defendant to provide discovery of the note, tests, results and reports of psychiatric examinations conducted by the defendant's experts. Said experts were listed on his notice of expert. The State has also moved, based on the defendant's announcement that he will be presenting psychiatric testimony, that the order allow the state to conduct its own examination of the defendant by means of an independent psychiatric expert. The district court has denied the State's motions and denied the State's request for stay of district court proceedings.

Defendant is currently out on bond with the condition of house arrest and is being charged with he open murder of his ex-wife.

This motion for emergency stay is necessary as the case is scheduled to start on January 2, 2001 and there is no adequate remedy at law. If this stay is not granted the State will be force to proceed to trial without the statutorily required discovery.

The attached motion is made in good faith and not for the purpose of delay. I declare under penalty of perjury the foregoing is true and correct.

Executed this 27th day of December 2001.

HRISTOPHER LAURENT

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of EMERGENCY MOTION FOR STAY OF DISTRICT COURT PROCEEDINGS, was made December 27, 2001, by facsimile transmission to:

Gloria Navaro Special Deputy Public Defender FAX # 455-6273

Chief Judge Mark E. Gibbons District Court Department VII FAX # 455-2430

Employee of the District Attorney's Office

CERTIFICATE OF SERVICE

I hereby certify and affirm that service of the above and foregoing Emergency Motion For Stay of District Court Proceedings, was made this 28th day of December, 2001, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to the attorney of record:

Gloria Navaro Clark County Special Public Defender 309 South Third Street, 4th Floor Post Office Box 552316 Las Vegas, Nevada 89155-2316

Chief Judge Mark E. Gibbons District Court Department VII 200 South Third Street Las Vegas, NV 89155

Secretary, Clark County District Attorney's Office