

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIK LAWRENCE RANDALL,
Petitioner,

vs.

DON S. HELLING, WARDEN,
NORTHERN NEVADA
CORRECTIONAL CENTER; AND
BRIAN SANDOVAL, ATTORNEY
GENERAL, STATE OF NEVADA,
Respondents.

No. 43768

FILED

NOV 03 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. B. Sandoval*
CHIEF DEPUTY CLERK


ORDER DECLINING TO ANSWER CERTIFIED QUESTION


Pursuant to NRAP 5, United States District Judge Larry D. Hicks has certified questions to this court respecting the knowledge and intent requirements of NRS 484.219. The issues arose in federal post-conviction habeas corpus proceedings brought by Erik Lawrence Randall pursuant to 28 U.S.C. § 2254. Having carefully considered the federal court's certification order, we conclude that this court's recent decision in Dettloff v. State, 120 Nev. ___, ___ P.3d ___ (Adv. Op. No. 67, filed September 16, 2004) adequately articulates and interprets the intent requirements of NRS 484.219 as it applies to Mr. Randall in the pending

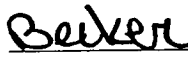
federal habeas proceeding.¹ Accordingly, we respectfully decline to answer the questions certified to this court in the instant proceeding.

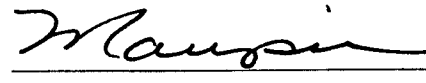
It is so ORDERED.

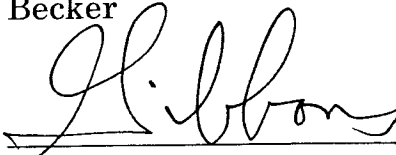
 C.J.
Shearing


 J.
Agosti

 J.
Rose

 J.
Becker

 J.
Maupin

 J.
Gibbons

 J.
Douglas

cc: Hon. Larry D. Hicks, United States District Court Judge
Richard F. Cornell
Attorney General Brian Sandoval/Carson City
Clerk, United States District Court, District of Nevada

¹We deny as moot the motion for a briefing schedule filed by counsel for Erik Lawrence Randall on September 27, 2004.