

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL P. MOTEN,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
SALLY L. LOEHRER, DISTRICT  
JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 44011

FILED

SEP 29 2004

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

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges an order of the district court denying a motion to sever criminal charges filed by the State against petitioner Samuel Moten in a capital case. Petitioner also seeks an emergency stay of the guilt phase of the trial set to commence on October 4, 2004. Having reviewed the petition and the supporting documentation, we are not persuaded that this court's intervention by way of extraordinary writ is warranted. Accordingly, we deny the petition and the motion for a stay.

It is so ORDERED.

*Rose* \_\_\_\_\_, J.  
Rose

*Maupin* \_\_\_\_\_, J.  
Maupin

*Douglas* \_\_\_\_\_, J.  
Douglas

cc: Hon. Sally L. Loehrer, District Judge  
Special Public Defender David M. Schieck  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk