

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH COUNTS,
Petitioner,

vs.

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

No. 50939

FILED

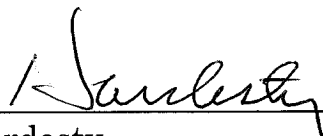
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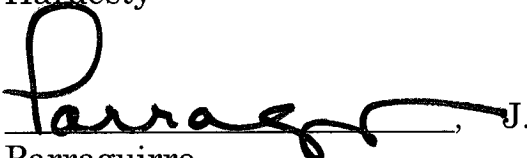
TRACEY K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

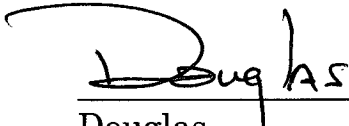
ORDER DENYING PETITION AND MOTION FOR STAY

This original petition for a writ of mandamus challenges an order of the district court denying a motion to strike aggravating circumstances in a capital case. Petitioner has also filed an emergency motion seeking a stay of the trial set to commence below on January 28, 2008. Having reviewed the petition and the supporting documentation, we have concluded that this court's intervention by way of extraordinary writ is not warranted. Accordingly, we deny the petition. Further, we deny petitioner's emergency motion for a stay.

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Valerie Adair, District Judge
Kristina M. Wildeveld
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk