

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS BILLY BONILLA,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DONALD M. MOSLEY, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 53083

FILED

MAR 27 2009

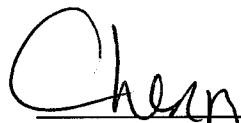
TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Tracie K. Lindeman
DEPUTY CLERK

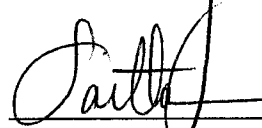
ORDER DENYING PETITION


This is an original petition for a writ of mandamus or prohibition challenging a district court order granting the State's motion for production of discovery pursuant to NRS 174.245, including materials to be presented during the penalty hearing. In addition, petitioner requested a stay of the proceedings pending resolution of the original writ petition. Subsequently, on January 15, 2009, this court granted a stay of the district court's order to the extent that it compelled discovery of petitioner's penalty phase evidence before the jury returned a verdict on the guilt phase of the trial. We further directed the State to file an answer to the petition. Approximately two weeks later, on January 28, 2009, the State filed a motion to deny the petition as moot because petitioner had entered a guilty plea to murder, along with other charges, in exchange for the State's agreement to forgo seeking the death penalty. Considering the

petition and the other documents filed herein, we grant the motion to deny the original writ petition as moot.

It is so ORDERED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk