

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD HABERSTROH,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
ELISSA F. CADISH, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 54093

**FILED**

**FEB 03 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order denying petitioner's motion to strike aggravators alleged in the notice of intent to seek the death penalty. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted at this time. Accordingly, we deny the petition. See NRAP 21(b).<sup>1</sup>

It is so ORDERED.



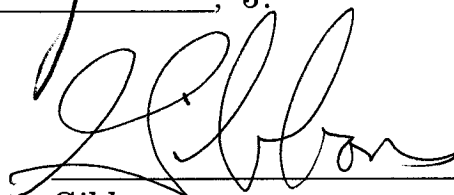
Cherry

J.



Saitta

J.



Gibbons

J.

<sup>1</sup>On August 14, 2009, we stayed the proceedings in the district court pending resolution of this writ petition. We vacate the stay entered on August 14, 2009.

cc: Hon. Elissa F. Cadish, District Judge  
Special Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk