

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER MORRIS CHAMBERS,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
STEVEN P. ELLIOTT, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 54192

FILED

DEC 03 2009


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


ORDER DENYING PETITION

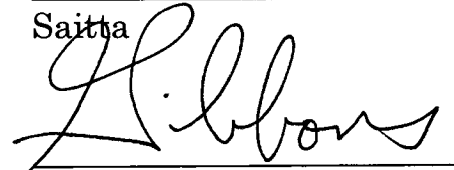
This is an original petition for a writ of mandamus or prohibition. Petitioner Roger Chambers is awaiting trial after receiving habeas relief in federal court granting him a new trial. Chambers seeks a writ of mandamus or prohibition directing the district court to preclude the State from proceeding to trial on a felony-murder theory on the ground that double jeopardy principles preclude the State from seeking a murder conviction based on felony murder. We conclude that the original jury's rejection of the felony aggravator based on robbery did not operate as an implied acquittal of robbery so as to bar the State on double jeopardy principles from pursuing a felony-murder conviction predicated on robbery

in the instant proceedings. Therefore, we conclude that our intervention by way of extraordinary writ is not warranted. Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk