

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTONIO DEMAR WOODS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE DOUGLAS
SMITH, DISTRICT JUDGE; AND
CLARK COUNTY JURY
COMMISSIONER,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 65906

FILED

JUN 23 2014

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

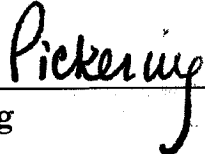
ORDER DENYING STAY

This is an emergency motion for a stay of petitioner's trial that begins on Monday, June 23, 2014. Petitioner represents that he intends to file an original petition for a writ of mandamus in this court challenging the district court's decisions related to a motion to strike the jury venire based on the automatic exclusion of felons from the jury selection process, regardless of whether their civil rights have been restored and that this exclusion will result in the systematic exclusion of African Americans. Petitioner argues that he will be irreparably harmed if a stay is not granted because he will be compelled to proceed to trial with an unlawfully selected jury and the district court's actions in quashing subpoenas and refusing to conduct an evidentiary hearing have frustrated his efforts to create an adequate appellate record.

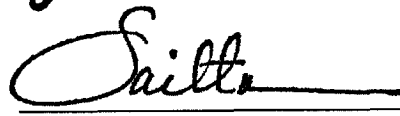
We conclude that petitioner has not adequately demonstrated that a stay of the trial is necessary, as petitioner may challenge the jury

selection process on appeal should he be convicted and it appears that the district court has directed the jury commissioner to provide an affidavit on the morning of trial that includes information related to the exclusion of felons in the jury selection process; we cannot say that the district court has clearly frustrated petitioner's efforts to create an adequate appellate record such that a stay of the trial is warranted. *See State v. Robles-Nieves*, 129 Nev. ___, ___, 306 P.3d 399, 402-03 (2013) (explaining factors to consider in resolving motion for stay). We therefore deny petitioner's motion to stay the trial.

It is so ORDERED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Douglas Smith, District Judge
Legal Resource Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk