

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL LEWIS BROWNING,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, THE HONORABLE JOSEPH S.  
PAVLIKOWSKI, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 47044

**FILED**

APR 07 2006

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.<sup>1</sup> Thus, we deny the petition.

In regard to petitioner's request to exclude from his upcoming penalty hearing evidence and assertions presented to the jury in the guilt phase of his trial, we note that: petitioner has not filed a motion with the district court specifying the items of evidence or other occurrences in the guilt phase criticized by this court that he wishes to exclude;<sup>2</sup> the State has not had an opportunity to respond to such a

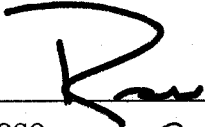
<sup>1</sup>See NRS 34.160; NRS 34.320.

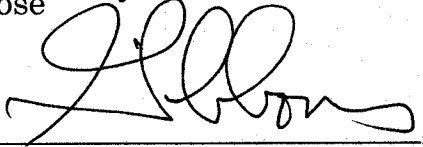
<sup>2</sup>See Browning v. State, 120 Nev. 347, 91 P.3d 39 (2004).

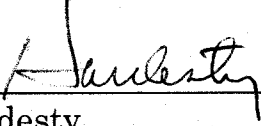
motion; and the district court has not had an opportunity to enter a written ruling on such a motion.<sup>3</sup>

Cause appearing, we also deny petitioner's motion for a stay of proceedings below.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Joseph S. Pavlikowski, Senior Judge  
Christopher R. Oram  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

---

<sup>3</sup>Should the State insist on introducing unredacted transcripts from the guilt phase of the trial, we make a further observation. Although we concluded in Browning's last appeal that flawed evidence and other guilt-phase inaccuracies were not sufficiently prejudicial to constitute ineffective assistance of counsel, i.e., to create a reasonable probability that Browning would not have been convicted of first-degree murder, they nevertheless were errors that should not be repeated.