

IN THE SUPREME COURT OF THE STATE OF NEVADA

GINA MARIE ATTAGUILE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
SALLY L. LOEHRER, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 42910

FILED

APR 14 2004

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

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges the district court's finding that petitioner is ineligible for civil commitment under NRS 458.290 through NRS 458.350. Petitioner represents that the district court has stayed her sentence pending this court's resolution of this petition.


We conclude that an appeal from the judgment of conviction and sentence, coupled with the district court's stay of the sentence, will afford petitioner a plain, speedy, and adequate remedy in the ordinary course of the law.¹ Further, an appeal will afford the parties an opportunity to provide this court with a well documented record upon which to review the district court's decision interpreting the statutes in

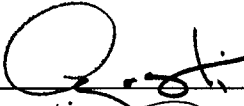
¹See NRS 34.170; NRS 34.330.

question.² We note for counsel's benefit that the official website of the Eighth Judicial District Court indicates that the district court entered a judgment of conviction against petitioner on April 1, 2004. In order to properly invoke this court's jurisdiction to consider an appeal, a notice of appeal from that judgment must be timely filed in the district court on or before May 3, 2004.

Because petitioner has a plain, speedy, and adequate remedy by way of an appeal, this court's intervention by way of extraordinary writ is not warranted at this time. Accordingly, we

ORDER the petition DENIED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Sally L. Loehrer, District Judge
Robert G. Lucherini, Chtd.
Clark County District Attorney David J. Roger
Clark County Clerk

²See Hardin v. Griffin, 98 Nev. 302, 646 P.2d 1216 (1982) (this court declined to entertain original petition for mandamus or prohibition where petitioner had a plain, speedy and adequate remedy by way of appeal for any prejudicial error occurring at trial and where an appeal would provide a complete record upon which this court could review the issues presented).