

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LEE FINLEY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE MICHAEL
CHERRY, DISTRICT JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 45775

FILED

AUG 18 2005

JANE T. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
DEPUTY CLERK


ORDER DENYING PETITION


This original petition for a writ of prohibition or mandamus challenges an order of the district court denying petitioner's motion to dismiss one count of a criminal information charging petitioner with murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge. Petitioner also seeks an emergency stay of the trial currently set to commence on August 22, 2005.

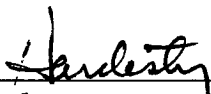
Having reviewed the petition and the supporting documentation, we conclude that petitioner has not demonstrated that this court's intervention by way of extraordinary writ is warranted. Specifically, we conclude that if a jury convicts petitioner of murder, petitioner will have an adequate remedy in the ordinary course of law by

way of an appeal from the judgment of conviction. Accordingly, we deny the petition. Further, we deny petitioner's emergency motion for a stay.

It is so ORDERED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Michael A. Cherry, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk