

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,

Respondents,

and

BRANDT ENGLAND; MICHAEL A.
BUONO, JR.; AND MICHAEL V.
BUONO, SR.,
Real Parties in Interest.

No. 50244

FILED

JUL 14 2008

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

ORDER DENYING PETITION

This original petition for a writ of mandamus and prohibition challenges district court orders granting real parties in interest's motions for the return of seized property and a district court order to show cause.¹

¹During the court's consideration of this petition, several additional pleadings and documents were transmitted to this court by the parties. We grant petitioner's motion for permission to file a reply and direct the clerk of this court to file the reply brief in support of the petition received on November 8, 2007. We grant real parties in interest's (the Buonos)

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Having considered the petition and supporting documentation, we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.² Specifically, we conclude that (1) the district court's orders granting real parties in interest's motions for the return of seized property were final, appealable determinations;³ (2) petitioner failed to perfect a timely appeal from the district court's orders; and (3) "writ relief is not available to correct an untimely notice of appeal."⁴ Further, our intervention is not necessary because petitioner has not, at this time, been held in contempt by the district court for failing to comply with the orders granting the motions. And finally, we express no opinion as to the district court's jurisdiction and authority to order the appearance at the show cause hearing of out-of-state law enforcement

... continued

motion for leave to file a rebuttal to petitioner's reply brief and direct the clerk of this court to file the rebuttal received on November 20, 2007. We deny petitioner's motion for leave to supplement the petition and appendix.

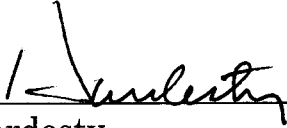
²See NRS 34.160; NRS 34.320.

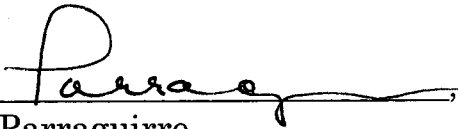
³See NRAP 3A(b)(1); see also Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

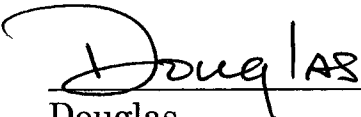
⁴Pan v. Dist. Ct., 120 Nev. 222, 224-25, 88 P.3d 840, 841 (2004).

personnel not party to the instant proceedings. Accordingly, we

ORDER the petition DENIED.⁵


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Michelle Leavitt, District Judge
Marquis & Aurbach
Chesnoff & Schonfeld
Law Office of John J. Momot
Brian Russo
Eighth District Court Clerk

⁵In light of the disposition of this petition, we vacate the order of this court entered on September 27, 2007, staying the proceedings below.