

IN THE SUPREME COURT OF THE STATE OF NEVADA

WASHOE COUNTY SHERIFF,

No. 34616

Appellant,

FILED

vs.

NOV 19 1999

FRANCIS LEE GRANTHAM,

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

Respondent.

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court granting in part respondent's pretrial petition for a writ of habeas corpus.

This court will not overturn an order granting a pretrial petition for a writ of habeas corpus for lack of probable cause absent a showing of substantial error by the district court. Sheriff v. Provenza, 97 Nev. 346, 347, 630 P.2d 265, 265 (1981). Having reviewed the record on appeal, we conclude that the state has failed to demonstrate that the district court committed substantial error by granting the petition. Accordingly, we

ORDER this appeal dismissed.

<i>Young</i>	_____	J.
Young		
<i>Agosti</i>	_____	J.
Agosti		
<i>Leavitt</i>	_____	J.
Leavitt		

cc: Hon. Steven R. Kosach, District Judge
Washoe County District Attorney
Lee T. Hotchkin
Washoe County Clerk