

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARENCE J. STEWART,  
Petitioner,

vs.

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

No. 52166

**FILED**

AUG 28 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

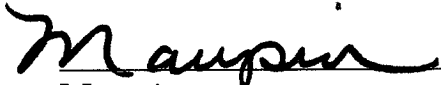
ORDER DENYING PETITION AND MOTION

This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioner's motion to sever his case from that of his codefendant. Petitioner has also filed a motion to stay the trial pending this court's resolution of the petition.

As a preliminary matter, we note that the petition does not comply with NRAP 21(a). In particular, the petition does not include a copy of the district court's order denying petitioner's motion to sever or any "parts of the record which may be essential to an understanding of the matters set forth in the petition." Nonetheless, having considered the petition on file herein, we are not satisfied that this court's intervention by

way of extraordinary writ is warranted at this time. Accordingly, we deny the petition<sup>1</sup> and the motion for a stay of the district court proceedings.

It is so ORDERED.

 \_\_\_\_\_ J.

Maupin

 \_\_\_\_\_ J.

Parraguirre

CHERRY, J., dissenting:

Based on the petition and motion on file, I would grant the stay and order the real party in interest to file an answer to the petition. I therefore dissent.

 \_\_\_\_\_ J.

Cherry

cc: Hon. Jackie Glass, District Judge  
Robert G. Lucherini, Chtd.  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

---

<sup>1</sup>See NRAP 21(b).