

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARC ANTHONY COLON,  
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

THE STATE OF NEVADA,  
Real Party in Interest.

No. 52221

**FILED**

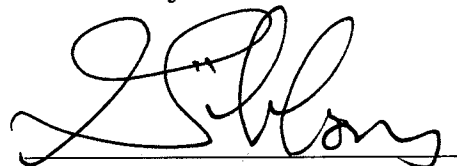
AUG 15 2008

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

ORDER DENYING PETITION AND MOTION FOR STAY

This is an original petition for a writ of mandamus challenging a district court order denying petitioner's motion to sever defendants from joint trial. Having reviewed the petition and the accompanying documentation, we conclude that this court's intervention by way of extraordinary writ is not warranted. Accordingly, we deny the petition.<sup>1</sup> Further, we deny petitioner's motion for stay.

It is so ORDERED.

 C.J.

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<sup>1</sup>We are confident that the district court will exercise its continuing discretion to grant a severance if prejudice appears during any stage of the trial. See Marshall v. State, 118 Nev. 642, 646, 56 P.3d 376, 379 (2002).

Maupin, J.

Hendley, J.

cc: Hon. Michelle Leavitt, District Judge  
Christiansen Law Offices  
Christopher R. Oram  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk