

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD NELSON BRADY, JR.,  
Petitioner.

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT, IN AND FOR CLARK  
COUNTY, NEVADA; AND THE  
HONORABLE DOUGLAS HERNDON,  
DISTRICT JUDGE,

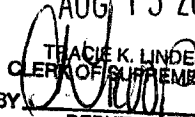
Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 52252

**FILED**

AUG 15 2008  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION AND MOTION FOR STAY

This original petition for a writ of prohibition or mandamus challenges a district court order denying petitioner's motion for a mistrial or for a new trial. Petitioner also seeks a stay of the district court proceedings.

Petitions for extraordinary writs are addressed to the sound discretion of the court.<sup>1</sup> A writ of prohibition or mandamus may issue only where there is no plain, speedy, and adequate remedy at law.<sup>2</sup>


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<sup>1</sup>State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983); see also Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

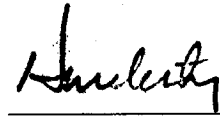
<sup>2</sup>NRS 34.330; NRS 34.170.

We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted at this time. In particular, petitioner has not demonstrated that there is no plain, speedy, and adequate remedy at law as it appears that the district court's order may be challenged on appeal from the judgment of conviction once petitioner has been sentenced.<sup>3</sup> Accordingly, we deny the petition<sup>4</sup> and the motion for a stay.

It is so ORDERED.

 C.J.

 J.

 J.

cc: Hon. Douglas W. Herndon, District Judge  
Michael H. Schwarz  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>3</sup>NRS 177.015(3) (providing that defendant may appeal from final judgment in a criminal case); NRS 177.045 ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed."); State v. Lewis, 124 Nev. \_\_\_, 178 P.3d 146 (2008) (explaining that NRS 177.015(1)(b), which provides for an appeal from an order granting or refusing a new trial, allows for appellate review of an order resolving a post-conviction motion for a new trial whereas an order resolving a motion for a new trial that is entered before a judgment of conviction is an intermediate order that is not appealable under NRS 177.015(1)(b) but may be challenged on appeal from the final judgment).

<sup>4</sup>See NRAP 21(b).