

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 52343

**FILED**

SEP 04 2008

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

ORDER DENYING PETITION AND MOTION FOR STAY

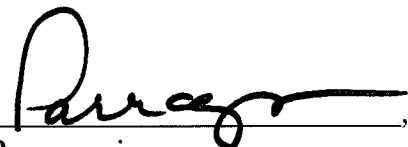
This original petition for a writ of mandamus or prohibition challenges the district court's order denying petitioner's motion to continue his trial. Petitioner asks this court to grant the petition and direct the district court to continue the trial "for purposes of discovery." In particular, petitioner asserts that the State has not provided necessary discovery regarding the witnesses it will call to authenticate certain recordings that may be used as evidence at trial. Petitioner also has filed a motion to stay the proceedings in district court pending this court's resolution of this petition.

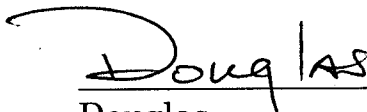
We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted at this time. This court has entertained pretrial writ petitions

to prevent pretrial discovery of privileged or protected documents<sup>1</sup> or to prevent improper pretrial discovery when a district court enters a discovery order in excess of its jurisdiction<sup>2</sup> when the petitioner has no plain, speedy, and adequate remedy at law. But here, the district court has not ordered pretrial discovery of protected material or entered a discovery order in excess of its jurisdiction. And petitioner has an available remedy at law if he is convicted and the State or the district court failed to comply with applicable statutes and constitutional rules governing discovery and disclosures in criminal prosecutions. Accordingly, we deny the petition.<sup>3</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

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

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<sup>1</sup>See, e.g., Columbia/HCA Healthcare v. Dist. Ct., 113 Nev. 521, 936 P.2d 844 (1997).

<sup>2</sup>See, e.g., State v. Dist. Ct. (Epperson), 120 Nev. 254, 89 P.3d 663 (2004).

<sup>3</sup>See NRAP 21(b). Because we deny the petition, we also deny the motion for a stay as moot.