

IN THE SUPREME COURT OF THE STATE OF NEVADA

GORDON JOSEPH LAWES,
Petitioner,


vs.

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

No. 58169

FILED

MAY 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

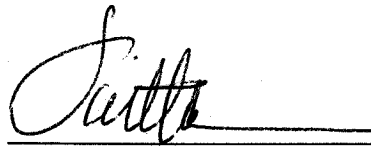
ORDER DENYING PETITION

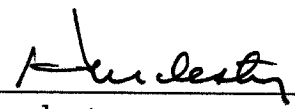
This original petition for a writ of mandamus challenges a district court ruling that denied petitioner Gordon Lawes' motion to dismiss an indictment on speedy trial grounds or, in the alternative, to release him on his own recognizance. Lawes was arraigned on two counts of sexual assault of his sister-in-law, released on his own recognizance, and waived his speedy trial rights. Three years later, a jury convicted Lawes of both counts. This court subsequently reversed those convictions, holding that cumulative error deprived him of a fair trial. Lawes v. State, Docket Nos. 52571, 54304 (Order of Reversal and Remand, February 3, 2011). After remittitur, the district court set bail at \$200,000, an amount Lawes claimed was excessive in light of the fact that he had been on recognizance release and met each court date for three years. The district court acknowledged Lawes' faithful appearance at every pretrial proceeding and noted his strong ties to the community and family support. However, the court was concerned that having had two concurrent life

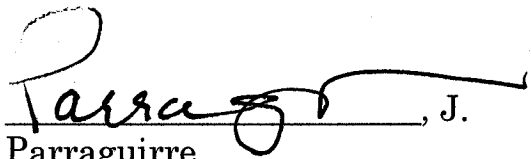
sentences imposed in the first trial made him a greater flight risk. When the district court admitted him to bail, Lawes then invoked his statutory speedy trial rights. The district court ruled that those rights were forever waived at the initial 2005 arraignment but nevertheless set trial for August 29, 2011—the first available week on the criminal calendar where the State was prepared to proceed. Under these circumstances, it appears that the district court has neither exceeded its jurisdiction nor manifestly abused its discretion, see NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981), and therefore we conclude that our intervention is not warranted.

Accordingly, we

ORDER the petition DENIED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Valorie Vega, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk