

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH ALLEN HUDDLESTON,

Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA IN
AND FOR THE COUNTY OF NYE, AND
THE HONORABLE JOHN P. DAVIS,
DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in
Interest.

No. 35882

FILED

APR 04 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Edwards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This emergency petition for a writ of prohibition or, alternatively, a writ of mandamus seeks to stay a criminal trial scheduled for April 5, 2000. Real party in interest State of Nevada has filed an opposition to the petition.

Having considered the petition and the documents on file herein, we have concluded that this court's intervention by way of extraordinary writ is not warranted at this time. Accordingly, we deny the petition and petitioner's request for a stay. This denial is without prejudice to petitioner's right to raise the matter on appeal from a judgment of conviction, if any, entered after the trial of this matter.

It is so ORDERED.¹

Rau _____, C.J.

Agosti _____, J.

Leavitt _____, J.

¹ We note that a motion to dismiss charges based on the same arguments raised in this petition is pending before the district court.

cc: Hon. John P. Davis, District Judge
Nye County District Attorney
Walton & Langford
Nye County Clerk