

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Petitioner,  
vs.  
THE FIRST JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CARSON CITY; AND THE  
HONORABLE JAMES E. WILSON,  
DISTRICT JUDGE,  
Respondents,  
and  
JEFFEREY DAVID VOLOSIN,  
Real Party in Interest.

No. 63872

**FILED**

**AUG 29 2013**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Malone*  
DEPUTY CLERK

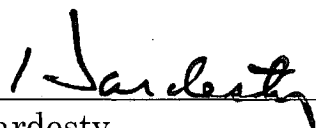
*ORDER DENYING PETITION*

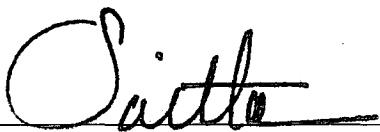
This original petition for a writ of mandamus or prohibition challenges a district court's ruling respecting a motion to dismiss a criminal information. The real party in interest filed a motion to dismiss an information alleging several counts of sexual assault and lewdness involving two child victims on the ground that it was deficient because it provided inadequate notice of the charges against him. The State opposed the motion. Subsequently, the district court concluded that the information was deficient but allowed the State to amend the information. The district court's order provided that any proposed amended information must be filed by August 23, 2013, and that "if the State does not move to amend, the information will be dismissed." Having reviewed the petition and the supporting documents, we are not satisfied that this court's intervention by way of extraordinary writ is warranted because the State has a plain, speedy and adequate remedy in the ordinary course of law, NRS 34.170; NRS 34.330, as it may appeal from any final order dismissing

the information, see NRS 177.015(1)(b); *State v. Koseck*, 112 Nev. 244, 245, 911 P.2d 1196, 1197 (1996) (observing that NRS 177.015(1)(b) “provides the state with a right to appeal from an order granting a motion to dismiss”); see also *State v. Second Judicial Dist. Court*, 85 Nev. 381, 383-84, 455 P.2d 923, 925 (1969). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

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

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. James E. Wilson, District Judge  
Attorney General/Carson City  
Carson City District Attorney  
State Public Defender/Carson City  
Carson City Clerk

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<sup>1</sup>The State has filed a motion to seal the appendix pursuant to NRS 200.3771 to protect the confidentiality of the victims, as they are identified in documents and transcripts included in the appendix. We deny the motion because it does not comport with our decision in *Howard v. State*, 128 Nev. \_\_\_, \_\_\_, 291 P.3d 137, 143 (2012) (explaining the requirements for sealing records and documents in criminal cases pending before this court). We further deny the State’s motion to treat the original writ petition as an emergency.