

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANKLIN SANCHEZ,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JOSEPH HARDY, JR., DISTRICT
JUDGE,

Respondents,


and

THE STATE OF NEVADA,
Real Party in Interest.

No. 76611

FILED

AUG 10 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


*ORDER DENYING PETITION
FOR WRIT OF PROHIBITION OR MANDAMUS*

This original petition for a writ of prohibition or mandamus challenges an oral district court ruling continuing trial for two weeks as a remedy for late disclosures under NRS 174.234.

Having considered the petition and its supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted at this time. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner has not provided a written, file-stamped district court order, which precludes our review. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (providing that an oral pronouncement from the bench is not valid for any purpose). Moreover, petitioner has not met his burden of demonstrating that our intervention is appropriate. *See NRS 174.234; NRS 174.295(2); NRS 178.556; Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228,

88 P.3d 840, 841, 843-844 (2004) (providing that petitioner bears the burden of demonstrating that writ relief is warranted). We therefore

ORDER the petition DENIED.¹



Tao

J.



Gibbons

J.

SILVER, C.J., dissenting:

Petitioner has alleged that the State, real party in interest, noticed additional witnesses and provided additional discovery after announcing ready for trial on two separate occasions and, without motion written or oral, obtained a continuance of trial to account for the late disclosures. As these allegations present a substantial case on the merits, I would order an answer in response and grant a stay pending our consideration of that answer and resolution of this petition. Therefore, I dissent.



Silver

C.J.

¹In light of this order, petitioner's emergency motion for stay is denied as moot.

cc: Hon. Joseph Hardy, Jr., District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk