

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUGENE ROSS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE JENNIFER P.
TOGLIATTI, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 77486

FILED

JAN 17 2019

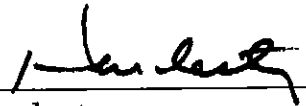
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

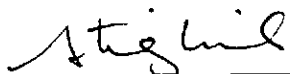
ORDER DENYING PETITION

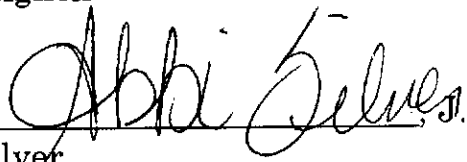
This petition for a writ of prohibition challenges a district court order granting the real party's motion to submit all of the sentencing options for murder to the jury on retrial, which may result in a harsher sentence than was imposed at the first trial. Because petitioner can challenge the district court's decision on appeal in the event that petitioner is convicted, NRS 177.015(3); NRS 177.045, petitioner has a plain, speedy, and adequate remedy at law and, therefore, this court's intervention by way of an extraordinary writ is not warranted, NRS 34.330. Petitioner has not pointed to any circumstances that reveal urgency or strong necessity for this court to intervene even though there is an alternative remedy available. *Cf. Salaiscooper v. Eighth Judicial Dist. Court*, 117 Nev. 892, 901-02, 34 P.3d 509, 515-16 (2001) (concluding that review through writ petition was warranted even though there was an alternative remedy where there were

56 similar cases with the same issues pending in lower courts and petition presented issue of great statewide importance). For these reasons, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Jennifer P. Togliatti, District Judge
The Law Office of Daniel M. Bunin
Dayvid J. Figler
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk