

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
HELENA MARIE CRANDALL,
Respondent.

No. 37279

FILED

OCT 15 2002

WINNETTE M. BLOOM
CLERK OF SUPREME COURT
BY: [Signature]
RECEIVED

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court granting respondent's motion to dismiss one count of an indictment. Respondent was charged, by way of indictment, with one count of manufacture of a controlled substance and one count of trafficking in a controlled substance. The trafficking count was based on respondent's possession of a laboratory bottle containing 200 grams of liquid. The liquid was tested and found to contain an unspecified percentage of methamphetamine.

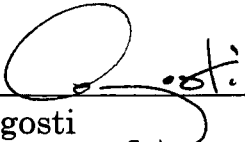
Respondent filed a motion for testing of the liquid. Respondent argued that an expert must quantify the exact amount of methamphetamine present in the liquid, and if there were not over 28 grams of methamphetamine, the trafficking charge should be dismissed. The district court granted the motion for scientific testing, and the State filed a motion to reconsider. The district court denied the motion to reconsider, and ordered the State to have the liquid tested or have the trafficking charge dismissed. The State declined to have the liquid tested, whereupon the district court dismissed the trafficking count.

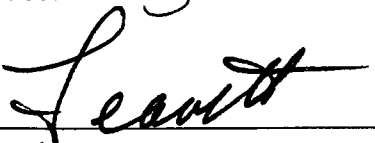
Despite the fact that the district court directed the State to have the testing performed, the State opted to disregard the district court's order. The State could have sought extraordinary relief in this court after the district court first ordered the testing, but the State

declined to do so. The State is not entitled to disregard district court orders, and we therefore conclude that the district court did not err by dismissing the trafficking charge. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General/Carson City
Clark County District Attorney
Christopher R. Oram
State Bar of Nevada/Las Vegas
Clark County Clerk

¹Although this court has elected to file the appendix submitted, it is noted that it does not comply with the arrangement and form requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2); NRAP 30(c); NRAP 32(a). Specifically, the documents in the appendix were not placed in chronological order. Counsel is cautioned that failure to comply with the requirements for appendices in the future may result in the appendix being returned, unfiled, to be correctly prepared. See NRAP 32(c). Failure to comply may also result in the imposition of sanctions by this court. NRAP 3C(n).