

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES ABBIE, JR.,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF WASHOE, AND THE
HONORABLE STEVEN R. KOSACH,
DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 37750

FILED

APR 27 2001

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

JAMES ABBIE, JR.,

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ORDER DENYING PETITIONS

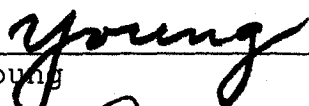
Docket No. 37750 is an original petition for a writ of mandamus or prohibition, challenging the district court's order denying petitioner's motion in limine to admit evidence of the victim's character and specific acts by the victim. Docket No. 37751 is an original petition for a writ of mandamus or prohibition, challenging the district court's order granting the real party in interest's motion to admit

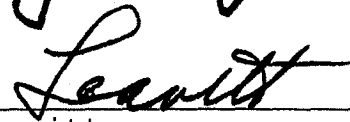
01-07149


evidence of prior bad acts by petitioner. We elect to consolidate these petitions for disposition.¹

We have considered the petitions on file herein, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted at this time.² We entertain some concerns with the district court's preliminary evidentiary ruling on the admissibility of the defendant's prior bad acts in the State's case-in-chief. Nonetheless, we are not persuaded that the district court exceeded its jurisdiction or manifestly abused its discretion so as to warrant extraordinary relief. Moreover, we conclude that the right to appeal any adverse final judgment of the district court will provide petitioner with a plain, speedy and adequate remedy for any prejudicial error which might occur at trial, and that any appeal will provide this court with a complete record upon which to review the issues presented.³ Accordingly, we

ORDER the petitions DENIED.⁴


_____, J.
Young


_____, J.
Leavitt


_____, J.
Becker

¹See NRAP 3(b).

²See NRS 34.170; NRS 34.330.

³See Hardin v. Griffin, 98 Nev. 302, 646 P.2d 1216 (1982).

⁴Cause appearing, we grant petitioner's motion to file a reply to the State's opposition to petitioner's emergency motions for a stay of the district court proceedings, and we direct the clerk of this court to file the reply provisionally submitted on April 25, 2001. Furthermore, we deny petitioner's emergency motions for a stay of the district court proceedings.

cc: Hon. Steven R. Kosach, District Judge
Attorney General
Washoe County District Attorney
Robert Bruce Lindsay
Washoe County Clerk