

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE JOHN  
S. MCGROARTY, DISTRICT JUDGE,  
Respondents,  
and  
DANIEL RAYMOND JONES,  
Real Party in Interest.

No. 40432

FILED

NOV 6 6 2002

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

ORDER DENYING PETITION

This original petition for a writ of prohibition challenges an order of the district court denying the State's motion to strike a motion to set aside the verdict and enter a judgment of acquittal.

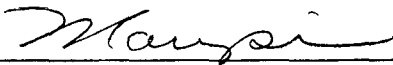
Having reviewed the petition and the supporting documentation, we are not persuaded that this court's intervention by way of extraordinary writ is warranted at this time. Specifically, we note that, under NRS 177.015(1)(b), an order of the district court granting a motion for acquittal is an appealable determination.<sup>1</sup> Therefore, the State will have an adequate remedy in the ordinary course of the law in the event

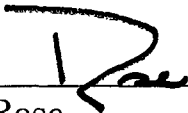
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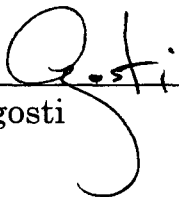
<sup>1</sup>See also NRS 175.381(3).

the district court grants the real party in interest's motion to set aside the verdict and enter a judgment of acquittal.<sup>2</sup> Accordingly, we hereby

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Maupin

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Agosti

cc: Hon. John S. McGroarty, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Kocka & Bolton  
Clark County Clerk

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<sup>2</sup> NRS34.330 (the writ may be issued by the supreme court where there is no "plain, speedy and adequate remedy in the ordinary course of law").