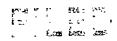
IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, Petitioner,

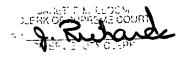
vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND, THE HONORABLE LEE A. GATES, DISTRICT JUDGE, Respondents, DAVID RAY SMITH, Real Party in Interest.

No. 40552



DEC 13 2002



ORDER DENYING PETITION

This original petition for a writ of prohibition or mandamus challenges the respondent district court's decision to schedule an evidentiary hearing on a post-conviction petition for a writ of habeas corpus. Having reviewed the petition, we have determined that this court's intervention by way of extraordinary writ is not warranted at this time. Accordingly, we deny the petition.

It is so ORDERED.

Young, C.J

Rose

__, J.

J.

Agosti

SUPREME COURT OF NEVADA

(O) 1947A

cc: Hon. Lee A. Gates, District Judge Attorney General/Carson City Clark County District Attorney Gary E. Gowen Clark County Clerk