

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
STUART "STEVE" CONN,
Real Party in Interest.

No. 42058

FILED

APR 21 2005

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

ORDER DENYING PETITION AS MOOT

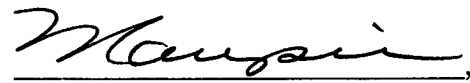
This original petition for a writ of prohibition or mandamus challenges an order of the district court directing the State to return certain property to the real party in interest, Stuart Conn, that was seized during a search conducted by the Las Vegas Metropolitan Police Department.

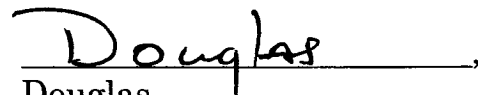
On March 8, 2005, this court issued an order directing the State to show cause why this petition should not be dismissed as moot. The State filed a response to that show cause order on March 22, 2005. The State's response indicates that Mr. Conn entered into a plea agreement in criminal proceedings below and stipulated to the forfeiture of the property at issue in this petition. Further, the State represents that on January 31, 2005, a written order was entered by the district court vacating the prior district court order that is the subject of this petition. Accordingly, the State acknowledges that, "[a]s to this particular case, the State's petition has been rendered moot." Nonetheless, the State notes

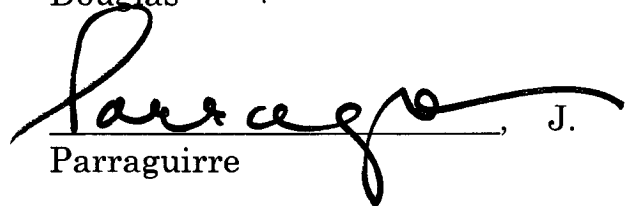
that an exception to the mootness doctrine exists where an issue of substantial public importance is likely to recur.¹ The State defers to the judgment of this court as to whether this matter presents such a question.

Having reviewed the petition and the subsequent documents presented in this case, we conclude that the petition is moot. Further, we decline to apply the cited exception to the mootness doctrine under the circumstances of this case. Accordingly, we deny the petition as moot.

It is so ORDERED.


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. John S. McGroarty, District Judge
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Michael V. Cristalli
Marc A. Saggese
Clark County Clerk

¹See State v. Glusman, 98 Nev. 412, 651 P.2d 639 (1982).