

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIO KYLE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE
KATHLEEN E. DELANEY, DISTRICT
JUDGE; AND THE HONORABLE LEE
GATES SENIOR DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 61618

FILED

NOV 15 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingorsall*
DEPUTY CLERK

ORDER DENYING PETITION


This original petition for a writ of mandamus or prohibition challenges district court orders denying petitioner's motion to dismiss an information based on alleged egregious misconduct by the State in withholding videotapes of the child witness interviews and granting the State's motion for a continuance of the trial based on the unavailability of a State witness.¹ Contrary to petitioner's assertion, he has an adequate remedy by way of an appeal of the challenged interlocutory orders should he be convicted. NRS 177.015(3); NRS 177.045. Because we are not satisfied that this court's intervention by way of extraordinary writ is

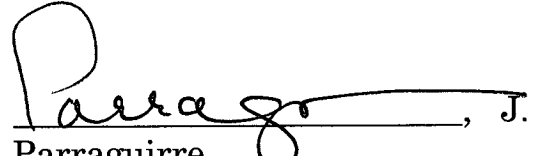
¹In the alternative, petitioner requests this court to direct the district court to conduct an evidentiary hearing to determine whether the State's motion for a continuance was based on good cause.

warranted, NRS 34.170; NRS 34.330. we deny the petition. See NRAP 21(b).

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Kathleen Delaney, District Judge
Hon. Lee Gates, Senior District Judge
Brown Law Office
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk