

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CLARK; AND THE HONORABLE

MARK B. BAILUS, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA; AND DAVID

MICHAEL FROSTICK,

Real Parties in Interest.

No. 74001

FILED

SEP 07 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF PROHIBITION OR MANDAMUS*

This original petition for a writ of prohibition or mandamus challenges a district court order compelling production of a Critical Incident Review Team (CIRT) report.

Having considered the parties' arguments, we are not persuaded that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 679, 818 P.2d 849, 853 (1991). In particular, we are not persuaded that the district court erred in determining that the CIRT report contained *Brady*¹ material, *see State v. Huebler*, 128 Nev. 192, 198, 275 P.3d 91, 95-96 (2012) (reviewing de novo a

¹*Brady v. Maryland*, 373 U.S. 83 (1963).

district court's determination regarding a *Brady* claim), and petitioner conceded at oral argument that it would be required to produce the CIRT report if it contained *Brady* material.² Accordingly, we

ORDER the petition DENIED.

Douglas, C.J.
Douglas

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Mark B. Bailus, District Judge
Charlotte M. Matanane Bible
Marquis Aurbach Coffing
Liesl K. Freedman
Attorney General/Carson City
Gregory & Waldo, LLC
Clark County District Attorney
Eighth District Court Clerk

²We note that the district court ordered production of a redacted copy of the CIRT report.