

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
KATHLEEN M. DRAKULICH,
DISTRICT JUDGE,

Respondents,

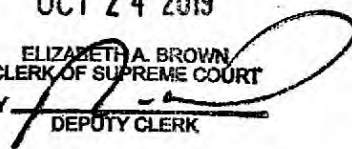
and

DAVID CHARLES RADONSKI,
Real Party in Interest.

No. 79452

FILED

OCT 24 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DIRECTING ANSWER AND REPLY


This petition for a writ of mandamus challenges a district court order denying a motion requesting a general intent jury instruction for arson.¹ Having reviewed the petition, we have determined that an answer would assist the court in resolving the petition. Accordingly, the real party in interest, on behalf of respondents, shall have 28 days from the date of this order to file an answer, including authorities, against issuance of the

¹Petitioner alternatively seeks a writ of prohibition, but a petition for a writ of prohibition is the wrong vehicle to challenge the district court's decision denying the State's request for a general intent jury instruction. *Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) ("A writ of prohibition . . . will not issue if the court sought to be restrained had jurisdiction to hear and determine the matter under consideration.").

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requested writ. Petitioner shall have 14 days from the date the answer is filed to file a reply, if any.

It is so ORDERED.

 C.J.

cc: Hon. Kathleen M. Drakulich, District Judge
Attorney General/Carson City
Washoe County District Attorney
Washoe County Public Defender
Washoe District Court Clerk