


IN THE SUPREME COURT OF THE STATE OF NEVADA

RAMON MURIL DORADO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79556

FILED

AUG 17 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF LIMITED REMAND


This is an appeal from a judgment of conviction, pursuant to a jury verdict, of three counts of sexual assault. Eighth Judicial District Court, Clark County; David M. Jones, Judge.

Appellant Ramon Muril Dorado contends, among other things, that the district court erred by failing to grant his motion to dismiss the indictment for preindictment delay and lack of jurisdiction. “We review a district court’s decision to grant or deny a motion to dismiss an indictment for abuse of discretion.” *Hill v. State*, 124 Nev. 546, 550, 188 P.3d 51, 54 (2008); *see also Wyman v. State*, 125 Nev. 592, 600, 217 P.3d 572, 578 (2009) (“considering a district court’s denial of a defendant’s motion to dismiss a complaint based on pre-indictment delay” and “adopt[ing] an abuse of discretion standard of review”). The district court’s failure to rule on the motion precludes our appellate review for an abuse of discretion. Thus, we remand this case to the district court for the limited purpose of conducting

an evidentiary hearing to consider the merits of Dorado's motion in the first instance.¹ We retain jurisdiction over all other issues raised by Dorado.

The district court shall have 90 days from the date of this order to conduct the evidentiary hearing and enter a written order. The district court clerk shall transmit the written order to this court within 5 days after it is entered.

It is so ORDERED.

 J.
Parraguirre

 J.
Hardesty

 J.
Cadish

cc: Hon. David M. Jones, District Judge
Michael Lasher LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Our decision in *Wyman v. State*, 125 Nev. 592, 601, 217 P.3d 572, 578 (2009), articulates the test for determining the existence of a due process violation grounded in pre-indictment delay. Dorado challenges the accuracy of *Wyman*'s test on appeal—claiming that it is inconsistent with the federal authority upon which it relies. On remand, we instruct the district court to require the parties to address this alleged discrepancy prior to ruling on Dorado's motion.