

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
RICHARD SCOTTI, DISTRICT JUDGE,
Respondents,
and
MATTHEW HANEY MOLEN,
Real Party in Interest.

No. 82249

FILED

DEC 31 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DIRECTING PETITIONER TO FILE APPENDIX,
DIRECTING ANSWER, AND GRANTING MOTION FOR STAY*

This original petition for a writ of mandamus or prohibition challenges a district court order, entered on appeal, vacating real party in interest's justice court conviction for driving under the influence and remanding for a new trial.

Under NRAP 21(a)(4), petitioners are required to file, along with the petition, an appendix that includes any and all documents necessary to understand the matters set forth in their petition. Further, this court normally will not consider a petition for extraordinary relief seeking relief from a district court ruling in the absence of a written order on the matter. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (noting that an oral pronouncement is ineffective in the absence of a written order).

Although petitioner notes that the district court entered an order vacating real party in interest's conviction on November 18, 2020, petitioner did not provide this court with a copy of that order or file an appendix with documentation supporting its petition. Additionally, it appears that the district court has not yet entered a written order resolving petitioner's request for clarification of the November 18 order. Accordingly, petitioner shall obtain from the respondent district court judge a written order memorializing its ruling on the motion for clarification and, within 14 days from the date of this order, file and serve an appendix containing a copy of the district court's written orders and all other parts of the record necessary for this court's consideration of the writ petition.

In the event petitioner timely files an appendix in accordance with this order, real party in interest, on behalf of respondents, shall have 28 days from the date that petitioner serves its appendix to file and serve an answer, including authorities, against issuance of the requested writ. In addition to addressing the merits of the petition in his answer, real party in interest should also address the propriety of writ relief. Petitioner shall have 14 days from service of the answer to file and serve any reply.

Finally, petitioner moved for a stay of the district court order challenged here. Having considered the relevant factors, *see* NRAP 8(c); *State v. Robles-Nieves*, 129 Nev. 537, 541, 306 P.3d 399, 402-03 (2013), we grant the unopposed motion. Application of the district court's order vacating and remanding for a new trial, entered in case number C-20-348754-A, is hereby stayed pending further order of this court.

It is so ORDERED.

Pickering, A.C.J.
Pickering

Hardesty, J.
Hardesty

Silver, J.
Silver

cc: Hon. Richard Scotti, District Judge
Attorney General/Carson City
Clark County District Attorney
Mueller & Associates
Eighth District Court Clerk