

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  
MONICA TRUJILLO, DISTRICT  
JUDGE,

Respondents,

and

BRANDON ALEXANDER MCGUIRE,  
Real Party in Interest.

No. 83269

**FILED**

OCT 01 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER GRANTING STAY AND EXPEDITING PETITION*

In this original petition for a writ of mandamus or prohibition, the State challenges a district court ruling granting a motion to preclude testimony from the alleged victim for failure to comply with NRS 174.234's notice requirements. With the petition, the State also filed an emergency motion for stay of the district court proceedings pending our consideration of the petition.

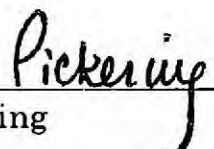
On July 27, 2021, we requested that the State provide a written order reflecting the district court's ruling, directed an answer to the petition, and temporarily granted the State's motion to stay the district court proceedings pending receipt and consideration of any opposition to the stay motion. In response, the State timely provided the district court's written order. Further, real party in interest Brandon Alexander McGuire

has timely filed an opposition to the stay motion,<sup>1</sup> and the State has timely filed a reply.<sup>2</sup>

Having considered the parties' arguments with regard to the stay motion in light of the NRAP 8(c) factors, *see State v. Robles-Nieves*, 129 Nev. 537, 541, 306 P.3d 399, 402-03 (2013) (looking to the NRAP 8(c) factors when considering a motion for a stay in a criminal matter), we conclude that a stay is warranted, as the State has presented a substantial issue on the merits, our review of which will be defeated absent a stay. Accordingly, we grant the motion and stay the underlying district court proceedings pending further order of this court. We further conclude, however, that this writ proceeding should be expedited and therefore will expedite our consideration of this matter to the extent our docket allows.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Herndon

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<sup>1</sup>McGuire's motion for leave to file an opposition 2 pages in excess of the NRAP 27(d)(2) 10-page limit is granted; the opposition was filed on August 2, 2021.

<sup>2</sup>Meanwhile, the parties have also completed briefing the merits. We grant McGuire's motion for leave to file a supplemental appendix containing the transcript from the July 19, 2021, hearing; the supplemental appendix was filed on August 17, 2021.

cc: Hon. Monica Trujillo, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Public Defender  
Eighth District Court Clerk