

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEREK LARUE,
Petitioner,

vs.

THE SIXTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
HUMBOLDT, AND THE HONORABLE
JOHN M. IROZ, DISTRICT JUDGE,

Respondents,

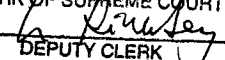
and

THE STATE OF NEVADA,
Real Party in Interest.

No. 51929

FILED

JUL 10 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

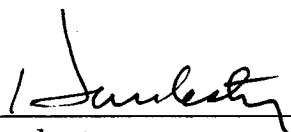
This original petition for a writ of review, also known as a writ of certiorari,¹ challenges a district court order affirming a justice court order denying petitioner's motion to set aside an illegal sentence. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted because

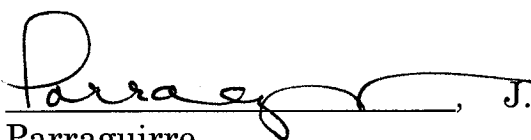
¹NRS 34.010.

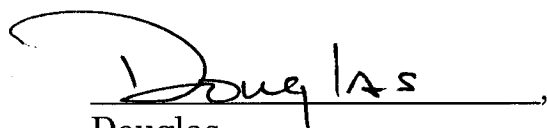
petitioner has not demonstrated that the remedy of an appeal to the district court was inadequate.²

Accordingly, we

ORDER the petition DENIED.³


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

²State of Nevada v. Dist. Ct., 116 Nev. 127, 134, 994 P.2d 692, 696-97 (2000) (explaining that this court generally has declined to entertain writs seeking review of district court decisions when the district court was acting in its appellate capacity “unless the district court has improperly refused to exercise its jurisdiction, has exceeded its jurisdiction, or has exercised its discretion in an arbitrary or capricious manner” or when there is “a split of authority amongst the lower courts” and the only way to resolve the split is for this court to entertain a writ petition); see also NRS 34.020(2) (“The writ shall be granted in all cases when an inferior tribunal . . . has exceeded the jurisdiction of such tribunal . . . and there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy.”).

³See NRAP 21(b).

cc: Hon. John M. Iroz, District Judge
Nevada Attorney General/Carson City
Humboldt-Pershing County Public Defender
Humboldt County District Attorney
Humboldt County Clerk