

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ANTHONY JONES,
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY, AND THE
HONORABLE WILLIAM A. MADDOX,
DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 52489

FILED

NOV 19 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges a district court order denying petitioner's request for a pretrial legal ruling.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion.¹ Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion.² Moreover, mandamus is not available when petitioner has a plain, speedy, and adequate legal remedy.³

¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

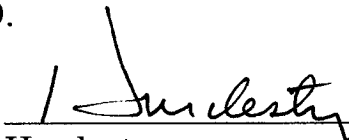
²See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

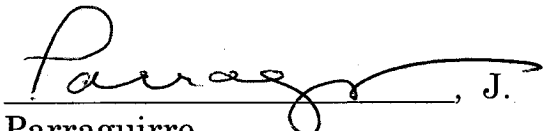
³NRS 34.170.

And petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted.⁴

Having reviewed the petition, we are not persuaded that extraordinary relief is warranted. The petition itself indicates that the jury will be instructed on the law concerning duty, which appears to be proper. Moreover, even if the district court's ruling was improper, petitioner has an adequate legal remedy in the form of an appeal from any adverse final judgment.⁵ Finally, we note that petitioner failed to attach any supporting documentation to his petition, such as his district court motion, any opposition, and the district court's order, in violation of NRAP 21(a). Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. William A. Maddox, District Judge
Christopher Anthony Jones
Attorney General Catherine Cortez Masto/Carson City
Carson City District Attorney
Carson City Clerk

⁴Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁵Id. At 228, 88 P.3d at 843-44.