

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS POTTER,  
Petitioner,

vs.

THE SEVENTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF WHITE  
PINE, AND THE HONORABLE DAN L.  
PAPEZ, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 54869

**FILED**

NOV 03 2009

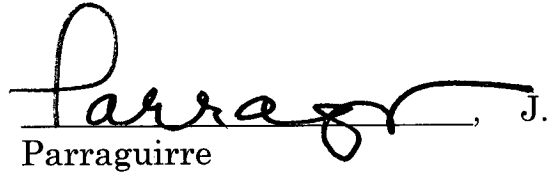
TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

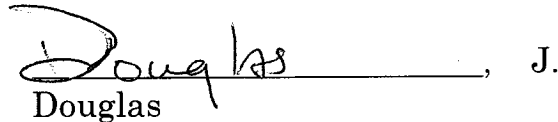
ORDER DENYING PETITION

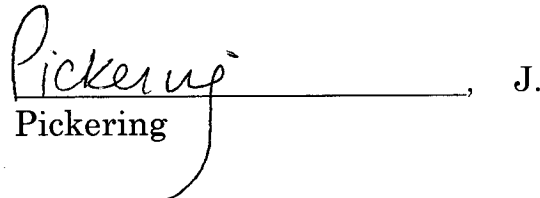
This original petition for a writ of mandamus challenges a district court decision denying a motion by petitioner's counsel to withdraw as counsel for petitioner due to a conflict of interest. Having considered the petition and supporting documents, we conclude that petitioner has not demonstrated that the district court acted arbitrarily or capriciously in denying the motion. See Koza v. District Court, 99 Nev. 535, 665 P.2d 244 (1983). In particular, petitioner has not demonstrated that counsel's prior representation of a witness in an unrelated matter, amounts to a conflict of interest necessitating counsel's withdrawal at this

time. Rather, the potential conflict remains speculative. Accordingly, we deny the petition without prejudice.<sup>1</sup>

It is so ORDERED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Dan L. Papez, District Judge  
State Public Defender/Carson City  
Attorney General Catherine Cortez Masto/Carson City  
Attorney General Catherine Cortez Masto/Ely  
Attorney General Catherine Cortez Masto/Las Vegas  
White Pine County Clerk

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<sup>1</sup>Petitioner's motion to stay the proceedings in district court is denied as moot.