

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH REID,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JAMES M. BIXLER, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 57514

**FILED**

**JAN 12 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION

This original petition seeks a writ of mandamus directing the district court to conduct a Petrocelli hearing before admitting prior-bad-act evidence in a criminal trial.<sup>1</sup> Having considered the petition and supporting documentation, we are not convinced that our intervention is warranted at this time.

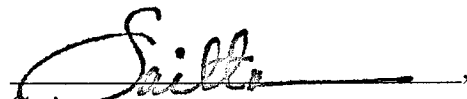
Mandamus is an extraordinary remedy that is not intended simply to correct errors. State v. Dist. Ct. (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Rather, this court will exercise its discretion to issue a writ of mandamus only “to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station or to control a manifest abuse of or arbitrary or capricious exercise of discretion” and only when the petitioner has no “plain, speedy, and

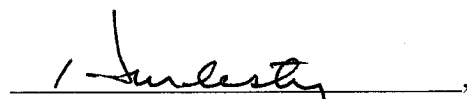
---

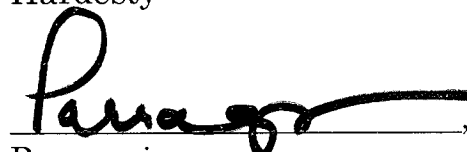
<sup>1</sup>We note that a Petrocelli hearing may be conducted pretrial or during trial before the challenged evidence is admitted.

adequate remedy in the ordinary course of the law” and “judicial economy and sound judicial administration” militate for issuing the writ. Id. This is not such a case. Petitioner has a plain, speedy, and adequate remedy in the ordinary course of the law: he can appeal to this court in the event that he is convicted. See NRS 177.015(3); see also Qualls v. State, 114 Nev. 900, 903, 961 P.2d 765, 767 (1998) (reminding “trial courts that the efficient administration of justice depends on their conscientious adherence to the dictates of our previous decisions requiring on-the-record [Petrocelli] hearings” but rejecting argument “that reversal on appeal is required where the trial court fails to conduct a proper Petrocelli hearing prior to admitting evidence of prior bad acts”). We therefore

ORDER the petition DENIED.

  
Saitta, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: Hon. James M. Bixler, District Judge  
Justice Law Center  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk