

IN THE SUPREME COURT OF THE STATE OF NEVADA

LORANDRE NICK OLIVER,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
LINDA MARIE BELL, DISTRICT  
JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 57975

**FILED**

**MAR 18 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *J. Grob*  
DEPUTY CLERK

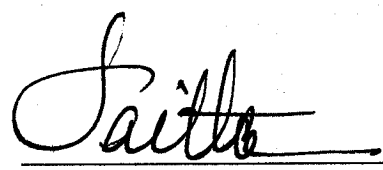
ORDER DENYING PETITION

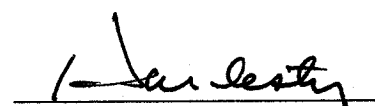
This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion to dismiss criminal charges against petitioner. In particular, petitioner complains that the respondent district court did not afford him an evidentiary hearing before denying his motion.

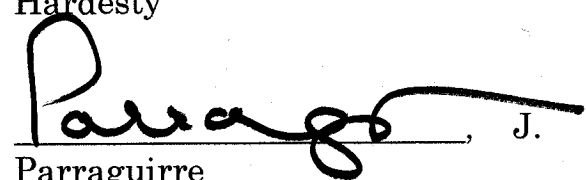
Having considered the petition and supporting documents, we are not satisfied that this court's intervention by way of extraordinary writ is warranted at this time for two reasons. First, despite petitioner's protestations to the contrary, he has a plain, speedy, and adequate remedy in the ordinary course of the law through an appeal should he be convicted, see NRS 177.015(1)(a); NRS 177.045, and therefore a writ of mandamus or prohibition is not warranted, NRS 34.170; NRS 34.330. Second, petitioner has not demonstrated to our satisfaction that the district court refused to take action that is required by law, NRS 34.160,

exercised its discretion in an arbitrary or capricious fashion, see Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981), or acted in excess of its jurisdiction, NRS 34.320, and therefore a writ of mandamus or prohibition is not warranted. Accordingly, we deny the petition. See NRAP 21(b); see also State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983) (petitions for extraordinary writs are addressed to the court's sound discretion).

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Linda Marie Bell, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>The motion for a stay of the trial is denied.