

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS WILLIAM RANDOLPH,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
STEFANY MILEY, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 59754

FILED

DEC 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angelica*
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges three of the district court's pretrial evidentiary decisions in the criminal prosecution pending against petitioner. We decline to exercise our discretion to consider the petition, see State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1338 (1983) (explaining that extraordinary writ petitions are addressed to this court's sound discretion), because (1) the issues do not involve the district court's jurisdiction, see NRS 34.320 (providing that prohibition is available to arrest proceedings of district court that are in excess of its jurisdiction); (2) petitioner has a plain, speedy, and adequate remedy in the ordinary

course of law,¹ NRS 34.170 (providing that mandamus generally is not available if petitioner has plain, speedy, and adequate remedy in ordinary court of law); NRS 34.330 (same as to prohibition); and (3) the petition does not present any circumstances that reveal urgency or a strong necessity for this court's intervention despite the availability of an effective alternative remedy, see Williams v. Dist. Ct., 127 Nev. ___, ___, 262 P.3d 360, 364-65 (2011) (explaining that opportunity to appeal generally precludes writ relief to challenge pretrial evidentiary decisions but there are "narrow exceptions" to that rule when "an important issue of law needs clarification and public policy is served by this court's invocation of its original jurisdiction," when the petition presents issues of "first impression and of fundamental public importance," or when resolution of the petition "will mitigate or resolve related or future litigation" (citations omitted)); Salaiscooper v. Dist. Ct., 117 Nev. 892, 901-02, 34 P.3d 509, 515-16 (2001) (explaining that "in rare circumstances," court has "selectively exercised its constitutional prerogative to entertain a petition despite" availability of effective alternative remedy such as where there is "a matter of statewide importance," where "sound judicial economy and administration militated

¹Specifically, if petitioner is convicted, he can file an appeal from the judgment of conviction, NRS 177.015(3), and in that appeal, he may challenge any intermediate decisions by the district court, NRS 177.045, including the district court's pretrial evidentiary decisions.

in favor of such petitions,” or where “there was a ‘gross miscarriage of justice” (citations omitted)). Accordingly, we

ORDER the petition DENIED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Stefany Miley, District Judge
E. Brent Bryson, Ltd.
The Law Offices of Yale L. Galanter, P.A.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk