

IN THE SUPREME COURT OF THE STATE OF NEVADA

LILLY SONIA MARQUEZ,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JESSIE ELIZABETH WALSH,
DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 61784

FILED

SEP 27 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER DENYING PETITION

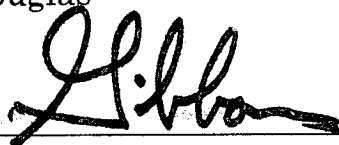
This original petition for a writ of mandamus challenges a district court decision denying petitioner's motion to strike the complaining witness from the State's witness list, preclude the complaining witness from testifying at trial, and preclude the State from using the complaining witness's preliminary hearing testimony, as a sanction for the complaining witness's failure to comply with a court order granting the defense's request for an independent psychological examination.¹ We decline to exercise our discretion to consider the petition on its merits, see Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also State ex rel. Dep't Transp. v. Thompson,

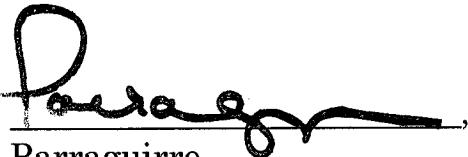
¹The petition and supporting documents indicate that the child witness is a ward of the State of California, which has refused to allow the examination.

99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983), because petitioner has a plain, speedy, and adequate remedy at law—in the event that she is convicted, she may challenge the district court’s decision on appeal from the judgment of conviction, NRS 177.015; NRS 177.045. See NRS 34.170. Accordingly, we

ORDER the petition DENIED.²


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Jessie Elizabeth Walsh, District Judge
McDonald Adras LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Given our resolution of the petition, we deny the motion for a stay as moot.