

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAFAEL DELTORRO MORALES,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ELIZABETH GOFF GONZALEZ,  
DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 63059

**FILED**

MAY 15 2013


TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Hindson  
DEPUTY CLERK

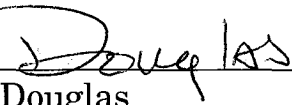
ORDER DENYING PETITION

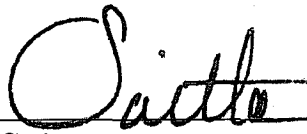
This original petition for a writ of mandamus or prohibition challenges a district court ruling denying petitioner's motion to dismiss based on an alleged violation of *Brady v. Maryland*, 373 U.S. 83 (1963) and spoliation of evidence. We have considered the petition and the documents submitted, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted because petitioner has an adequate remedy at law in this instance to challenge the district court's discovery and evidentiary rulings by way of an appeal should he be convicted. See NRS 34.170; NRS 34.330; *Williams v. Eighth Judicial Dist. Court*, 127 Nev. \_\_\_, \_\_\_, 262 P.3d 360, 365 (2011) (observing that "generally this court will not consider writ petitions challenging evidentiary rulings, as those rulings are discretionary" and defendant may appeal if convicted); *Hetter v. Eighth Judicial Dist. Court*, 110 Nev. 513, 515, 874 P.2d 762, 763 (1994) (recognizing that absent limited exceptions,

“extraordinary writs are not available to review discovery orders”).  
Accordingly, we deny the petition. See NRAP 21(b).

It is so ORDERED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Louis C. Schneider, LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk