

IN THE SUPREME COURT OF THE STATE OF NEVADA

NORMAN BELCHER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELISSA F. CADISH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 64588

FILED

JAN 16 2014

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

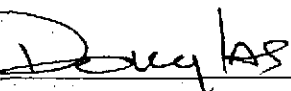
ORDER DENYING PETITION

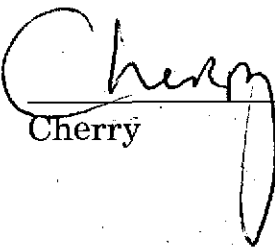
This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion to strike a preliminary hearing and dismiss charges on the ground that petitioner Norman Belcher received ineffective assistance of counsel due to a conflict of interest. A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or control discretion when it is manifestly abused or exercised arbitrarily or capriciously, *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); see also *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. ___, ___, 267 P.3d 777, 780 (2011) (defining manifest abuse and arbitrary or capricious exercise of discretion in context of mandamus). However, the writ will not issue if the petitioner has “a plain, speedy and adequate remedy in the ordinary course of law.” NRS 34.170. 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 by way of an appeal should he be convicted. Accordingly, we deny the petition. See NRAP 21(b).

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Elissa F. Cadish, District Judge
Turco & Draskovich
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk