

IN THE SUPREME COURT OF THE STATE OF NEVADA

LINDA COONEY,
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. 65312

FILED

APR 02 2014

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

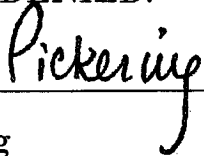
ORDER DENYING PETITION

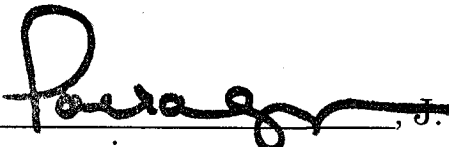
This original petition for a writ of mandamus or prohibition challenges a district court order denying in part a motion in limine to exclude evidence in a criminal trial. We are not convinced that our intervention is warranted. In particular, petitioner has an adequate remedy at law—she may challenge the district court’s evidentiary decision on appeal in the event that she is convicted, NRS 177.015(3); NRS 177.045—and therefore a writ of mandamus or prohibition should not issue.¹ See NRS 34.170; NRS 34.330. The petition does not present any

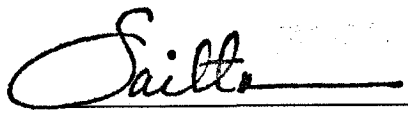
¹We also note that the evidentiary issue does not implicate the district court’s jurisdiction, and therefore a writ of prohibition would be inappropriate on that basis as well. See NRS 34.320 (providing that writ of prohibition may issue to arrest proceedings of district court exercising its judicial functions when such proceedings are in excess of district court’s jurisdiction).

circumstances that reveal urgency or a strong necessity for this court's intervention despite the availability of an effective alternative remedy. See *Williams v. Eighth Judicial Dist. Court*, 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. Eighth Judicial Dist. Court*, 117 Nev. 892, 901-02, 34 P.3d 509, 515-16 (2001) (similar). We therefore 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), and we

ORDER the petition DENIED.²


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Las Vegas Defense Group, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²The motion for a stay is denied as moot.