

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS CANNON,
 Petitioner,
 vs.
 THE EIGHTH JUDICIAL DISTRICT
 COURT OF THE STATE OF NEVADA,
 IN AND FOR THE COUNTY OF
 CLARK; AND THE HONORABLE
 VALERIE ADAIR, DISTRICT JUDGE,
 Respondents,
 and
 THE STATE OF NEVADA,
 Real Party in Interest.

No. 67558

FILED

APR 15 2015

TRACIE K. LINDEMAN
 CLERK OF SUPREME COURT
 BY *[Signature]*
 DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus seeking to vacate a district court order denying petitioner Curtis Cannon's motion to dismiss.

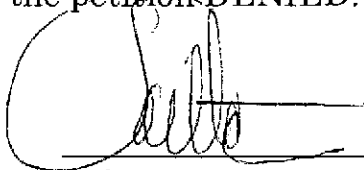
A writ of mandamus is an extraordinary remedy available "to compel the performance of an act which the law . . . [requires] as a duty resulting from an office, trust or station," NRS 34.160, "or to control a manifest abuse or an arbitrary or capricious exercise of discretion." *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 39, 175 P.3d 906, 908 (2008). This court has the discretion to determine whether a writ petition will be considered, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and the petitioner bears the burden of demonstrating that extraordinary intervention is warranted, *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Moreover, a writ of mandamus is generally inappropriate if the petitioner has "a plain, speedy and adequate remedy in the ordinary course of law,"

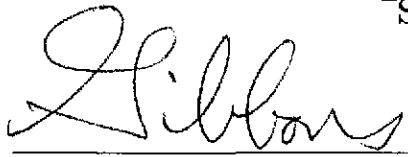
15-11332

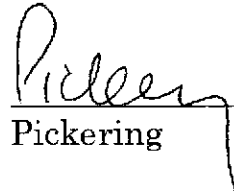
NRS 34.170, and "an appeal generally constitutes an adequate and speedy remedy precluding writ relief," *Cote H.*, 124 Nev. at 39, 175 P.3d at 908.

Petitioner has a speedy and adequate legal remedy available in the form of an appeal, NRS 177.015(3); NRS 177.045, and we are not persuaded that our intervention is warranted. Accordingly, we

ORDER the petition DENIED.


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Valerie Adair, District Judge
Julie Raye Law, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk