

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARCEL E. POWELL,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JOSEPH T. BONAVENTURE, SENIOR
DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 67620

FILED

MAR 26 2015

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

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court ruling allowing the State an extension of time to disclose the identity of a confidential informant (C.I.) after granting petitioner's motion to compel disclosure of the C.I.'s identity.

Petitioner first contends that the district court abused its discretion by refusing to dismiss the proceedings as required by NRS 49.365 and instead granting the State an extension of time to comply with the district court's order. Nothing in the limited record before us suggests that the district court intends to alter its decision granting the motion to

compel disclosure of the C.I.'s identity.¹ The district court simply delayed disclosure of that information and petitioner has provided no authority showing that delaying disclosure was improper under NRS 49.365 or any other authority. Further, granting the State an extension of time until April 9, 2015, to comply with its order is a purely discretionary decision and nothing in the supporting documents before us shows that the district court's decision was a clearly erroneous interpretation or application of the law or based on "prejudice or preference rather than on reason." *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. Adv. Op. 84, 267 P.3d 777, 780 (2011) (internal quotations omitted); *see also* NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

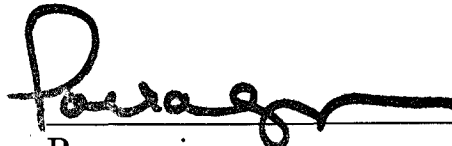
Second, petitioner contends that the district court's decision allowing the State a continuance violates his statutory speedy trial right because his 60 days under NRS 178.556(1) (speedy trial statute) expire on March 29, 2015. Because it does not appear that petitioner has raised a speedy trial challenge in the district court, we will not consider that matter in the first instance. He must first seek relief in the district court if he believes that a speedy trial violation has occurred.²

¹We note that the district court released petitioner on his own recognizance sometime after granting his motion to compel and he remains out of custody.

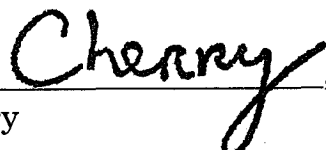
²We express no opinion on the merits of any such claim.

Because petitioner has not demonstrated that the district court manifestly abused its discretion or exercised its discretion in an arbitrary or capricious manner in this matter, we

ORDER the petition DENIED.³


Parraguirre, J.


Douglas, J.


Cherry, J.

cc: Hon. Joseph Bonaventure, Senior Judge
Coyer Law Office
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We grant petitioner's motion for leave to file a reply to the State's answer to the petition. We direct the clerk of this court to file petitioner's reply received on March 26, 2015.