

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE ALEJANDRO GONZALES,
Appellant,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KATHLEEN E. DELANEY, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 68000

FILED

JUN 10 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying petitioner's motion to preclude the State from seeking the death penalty or, alternatively, to stay the proceedings indefinitely.¹ Petitioner argues that extraordinary relief is warranted because he is unable to conduct a constitutionally-sufficient mitigation investigation, as that investigation requires the defense team to travel to Jiquilpan, Michoacan—an exceptionally violent and dangerous region in Mexico—and therefore the State should be precluded from seeking the death penalty. Alternatively, he argues that the proceedings must be stayed until the defense team can safely conduct its mitigation

¹Alternatively, petitioner seeks a writ of prohibition. Because the district court had jurisdiction to consider petitioner's motion, prohibition is not appropriate.

investigation in Mexico. Because petitioner has an adequate remedy at law should he be convicted and death imposed, we decline to intervene in this matter. See NRS 34.170 (providing that writ of mandamus will not issue if petitioner has plain, speedy, and adequate remedy in ordinary course of law); *Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) (observing that mandamus is extraordinary remedy, and it is within this court's discretion to determine if petition will be considered). Accordingly, we

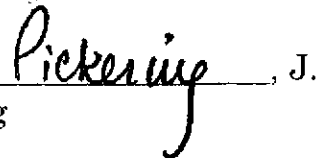
ORDER the petition DENIED.

 J.

Saitta

 J.

Gibbons

 J.

Pickering

cc: Hon. Kathleen E. Delaney, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk