

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DESTINY DENISE CHALMERS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUGLAS SMITH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 71837

FILED

DEC 28 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION


This is a petition for a writ of mandamus or prohibition. Petitioner Destiny Denise Chalmers asks this court to direct the district court to deny the State's motion for reconsideration, which sought revocation of Chalmers' probation.


A writ of mandamus is 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 an arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 637 P.2d 534 (1981). A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court. NRS 34.320. Petitions for extraordinary writs are addressed to the sound discretion of the court. *State ex rel. Dep't Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983). However, a writ of mandamus or


prohibition may only issue where there is no plain, speedy and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330.

In this instance, Chalmers has other adequate legal remedies to seek relief. Namely, she could have challenged the revocation of her probation on appeal from the order revoking probation and amended judgment of conviction. It also appears she can pursue relief through a postconviction petition for a writ of habeas corpus.¹ See NRS Chap. 34. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Douglas Smith, District Judge
Kenneth G. Frizzell, III
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We express no opinion as to whether Chalmers can overcome any applicable procedural bars in pursuing postconviction relief. See NRS Chap. 34.