

IN THE SUPREME COURT OF THE STATE OF NEVADA

GUSTAVO RAMOS,
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. 71462

FILED

MAR 08 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges district court orders granting the State's motion for leave to file an information by affidavit and denying petitioner's motion to dismiss a count of sexual assault with the use of a deadly weapon, victim 65 years of age or older (Count 3). Having reviewed the petition and the accompanying documentation, we conclude that this court's intervention by way of extraordinary writ is not warranted because petitioner has a plain, speedy, and adequate remedy at law by way of an appeal from any judgment of conviction. See NRS 34.170 (providing that writ of mandamus is proper only when there is no plain, adequate, and speedy legal remedy); *Pan v.*

Eighth Judicial Dist. Court, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Accordingly, we

ORDER the petition DENIED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

DOUGLAS, C.J., dissenting:

Intervention by way of extraordinary writ is warranted because petitioner does not have a plain, speedy, and adequate remedy at law as to an important issue of law that has not been decided and requires clarification in a murder case where the State has filed a notice of intent to seek the death penalty. The petitioner has asserted a challenge to an issue of first impression that requires clarification before trial, not after trial, as to the tolling of the application of the statute of limitations for sexual assault, *see* NRS 171.083(1), to eliminate error and prejudice at trial that outweighs any State interests.

Douglas, C. J.
Douglas

cc: Hon. Elizabeth Goff Gonzalez, Chief Judge
Nobles & Yanez Law Firm
The Law Offices of Ivette Amelburu Maningo
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk