

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID PHILLIP RUFFA,
Petitioner,
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent.

No. 74629

FILED

MAR 14 2018

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

ORDER DENYING PETITION

In this original petition for a writ of mandamus, David Phillip Ruffa asks this court to provide him with a court hearing to exonerate himself. Ruffa appears to assert DNA evidence collected from the victim would demonstrate he is actually innocent of the crimes for which he was convicted.

To the extent Ruffa is requesting to have genetic marker analysis performed on the evidence collected from the victim, Ruffa must file a postconviction petition requesting genetic marker analysis with the district court in the county in which he was convicted. *See* NRS 176.0918(1), (2). To the extent Ruffa has already sought, and been denied, such relief, Ruffa may appeal the district court's decision. *See* NRS 176.09183(6). Because it appears Ruffa has a plain, speedy, and adequate remedy available to him, we conclude this court's intervention by way of

extraordinary writ is not warranted. See NRS 34.170. Therefore, without considering the merits of the claim raised, we

ORDER the petition DENIED.

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: David Phillip Ruffa
Eighth District Court Clerk