

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESLIE S. MCAFEE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JENNIFER P. TOGLIATTI, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 75853

FILED

MAR 21 2019

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This is an original petition for a writ of mandamus challenging the constitutionality of NRS 50.700, which prohibits court-ordered psychological examinations in criminal cases involving sexual offenses.

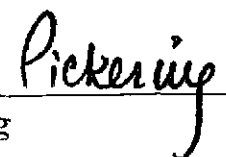
Because a writ of mandamus is an extraordinary remedy, the decision to consider a petition lies within our sole discretion. *Hickey v. Eighth Judicial Dist. Court*, 105 Nev. 729, 731, 782 P.2d 1336, 1338 (1989). Generally, however, a writ will not issue “where the petitioner has a plain, speedy and adequate remedy, such as an appeal, in the ordinary course of law.” *Id.* (citing NRS 34.170). If convicted, petitioner here has the right to

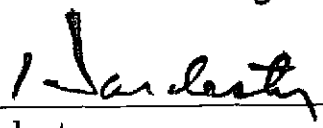
raise his constitutional arguments in the form of an appeal, pursuant to NRS 177.015(3).¹

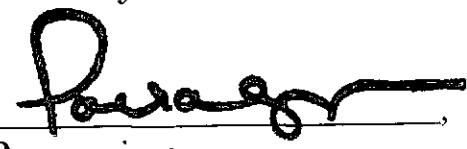
Accordingly, we exercise our discretion to deny this petition.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Silver

¹However, we note that NRS 50.700 applies to “a court proceeding that is commenced on or after October 1, 2015.” 2015 Nev. Stat., ch. 399, § 27, at 2246. Petitioner here was charged in 2013, thus raising concern about the applicability of this statute to his proceeding.

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 9
Daniel J. Albregts, Ltd.
Kaplan, Kenegos & Kadin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk