

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND GEAN PADILLA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE MICHAEL
VILLANI, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 79528

FILED

SEP 12 2019

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

ORDER DENYING PETITION


The original petition filed in this matter seeks a writ of mandamus or prohibition compelling the respondent district court judge to strike the notice of intent to seek the death penalty or prohibiting the respondent district court judge from conducting the underlying case as a capital case. Because petitioner may raise any issues regarding the notice of intent and the death penalty on appeal if he is convicted and sentenced to death, NRS 177.015(3); NRS 177.045; NRS 177.055, we decline to exercise our original jurisdiction.¹ See NRS 34.170; *Pan v. Eighth Judicial*

¹We also note that the district court has jurisdiction over the underlying case, see Nev. Const. art. 6, § 6, and therefore a writ of prohibition is not available, see *Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) (holding that a writ of prohibition “will not issue if the court sought to be restrained had jurisdiction to hear and determine the matter under consideration”); see also NRS 34.320.

Dist. Court, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”); *see also Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ of mandamus is discretionary). Accordingly, we

ORDER the petition DENIED.²


_____, C.J.
Gibbons


_____, J.
Stiglich


_____, Sr. J.
Douglas

cc: Hon. Michael Villani, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Law Office of Franny Forsman
Eighth District Court Clerk

²Because we decline to consider the petition on the merits, we deny the motion for leave to file an amicus brief as moot.

The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.