

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SHARPE, III,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
RICHARD SCOTTI, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 69919

**FILED**

**MAR 09 2016**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of mandamus<sup>1</sup> asks this court to direct the district court to continue a criminal trial in which petitioner is the defendant.<sup>2</sup> Because petitioner has an adequate remedy at law in the form of a direct appeal if he is convicted, *see* NRS 177.015(3); NRS 177.045; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224-25, 88 P.3d 840, 841 (2004) (explaining that right to appeal generally is an adequate remedy precluding writ relief even if appeal is not immediately available

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<sup>1</sup>Petitioner also seeks a writ of prohibition. A writ of prohibition is not appropriate in this instance as the district court has jurisdiction over the matter and the petition does not allege that the court has exceeded its jurisdiction. *See* NRS 34.320 (availability of writ of prohibition); *see also* Nev. Const. art. 6, § 6(1) (jurisdiction of district courts).

<sup>2</sup>We note that the documents submitted with the petition suggest that the district court denied an oral motion for a mistrial. It is unclear whether petitioner requested a continuance.

because challenged order is interlocutory in nature), we decline to entertain the petition. See NRS 34.170. We therefore

ORDER the petition DENIED.

Hardesty, J.  
Hardesty

Saitta, J.  
Saitta

Pickering, J.  
Pickering

cc: Hon. Richard Scotti, District Judge  
The Law Office of Dan M. Winder, P.C.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk