

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
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

RIGDELL FARMER,  
Real Party in Interest.

No. 80696

**FILED**

MAR 05 2020

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

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

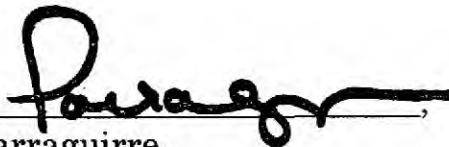
This original, emergency petition for a writ of mandamus or prohibition challenges an oral February 25, 2020, district court ruling granting defendant's motion to dismiss. On February 28, we directed submission of a written order and transmittal of the JAVS recordings, as well as an answer to the petition, and we imposed a temporary stay of the dismissal order. Having reviewed the March 2, 2020, written order and the answer, as well as the other documents on file, we now decline to consider the merits of this matter at this time and thus deny the petition.

A writ of mandamus may be entered to control an arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); *see also* NRS 34.160, and a writ of prohibition is available to curb jurisdictional excesses, NRS 34.330. Neither writ will issue, however, when the petitioner has an

adequate legal remedy. NRS 34.170; NRS 34.340; *Clay v. Eighth Judicial Dist. Court*, 129 Nev. 445, 449, 305 P.3d 898, 901 (2013).

Because the State here may appeal the district court's dismissal order, NRS 177.015(1)(b), we decline to exercise our original jurisdiction. See *Pan v. Eighth Judicial 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 is discretionary). Accordingly, we vacate our temporary stay and

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Cadish

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Public Defender  
Eighth District Court Clerk