

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LINDA RAE COONEY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RONALD J. ISRAEL, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 80745-COA

FILED

MAR 16 2020

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

*ORDER DENYING PETITION
FOR WRIT OF PROHIBITION OR MANDAMUS*

This original, emergency petition for a writ of prohibition or mandamus challenges a February 26, 2020, district court order granting the State's motion to admit prior testimony.

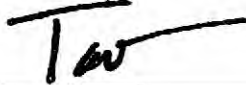
Having reviewed the petition and supporting documentation,¹ we are not persuaded that our extraordinary and discretionary intervention is warranted. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991); *see also Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted). The district court has authority to admit prior testimony under certain conditions and also to allow appearances by audiovisual and other alternative means when

¹Petitioner's motion to file a supplemental appendix under seal is granted; the clerk of this court shall file under seal the supplemental appendix provisionally received on March 13, 2020.

the situation so requires. *see Lipsitz v. State*, 135 Nev. 131, 137-38, 442 P.3d 138, 143-44 (2019); *Hernandez v. State*, 124 Nev. 639, 645-46, 188 P.3d 1126, 1130-31 (2008) (citing NRS 171.198 and NRS 51.325), and thus, the court does not lack jurisdiction, *see* NRS 34.320 (describing when a writ of prohibition may issue). Mandamus may be used to cure a manifest abuse of or arbitrary and capricious act of discretion, *State v. Dist. Court (Armstrong)*, 127 Nev. 927, 931, 267 P.3d 777, 779 (2011), but the writ will not issue when an adequate and speedy legal remedy, such as an appeal, exists, NRS 34.170; *Pan*, 120 Nev. at 224, 88 P.3d at 841. Petitioner may file a direct appeal from any judgment of conviction here. Accordingly, without deciding the merits, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Ronald J. Israel, District Judge
Las Vegas Defense Group, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk