

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JULIUS BRADFORD,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUGLAS W. HERNDON, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 81146-COA

**FILED**

**AUG 31 2020**

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

*ORDER DENYING PETITION*

In this original petition for a writ of mandamus or prohibition, Julius Bradford seeks a writ directing the district court to dismiss the charge pending in case number 09C250928 because it was not filed within the statute of limitations.

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station, NRS 34.160, or to control an arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603, 637 P.2d 534, 536 (1981). A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court. NRS 34.320. Neither writ will issue if petitioner has a plain, speedy and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. Petitions for extraordinary writs are addressed to the sound discretion of

the court. *State ex rel. of Dep't Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983).

Having considered the petition and supporting documents, we conclude Bradford has a plain, speedy, and adequate remedy in the ordinary course of law. Specifically, he can challenge the district court's order denying his "motion to dismiss charge not filed within the statute of limitations" on direct appeal. See NRS 177.045. Accordingly, our intervention by way of extraordinary writ is unwarranted, and we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Douglas W. Herndon, District Judge  
Julius Bradford  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk