

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. 81145-COA

FILED

AUG 28 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
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 order the return of the restitution and fees he paid pursuant to a judgment of conviction that has since been reversed on appeal. Alternatively, he seeks a writ directing the district court to dismiss the charge in that case because he was already punished for that charge by having to pay restitution and fees and any further punishment would violate the Double Jeopardy Clause.

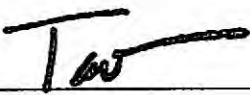
A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station, NRS 34.160, or to control an arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603, 637 P.2d 534, 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, supporting documents, and notice of errata, we conclude Bradford has a plain, speedy, and adequate remedy in the ordinary course of law. Specifically, he already has a motion pending in the district court that requests the return of the restitution and fees payments. If the district court denies the motion, he can challenge the district court's order on direct appeal. *See* NRS 177.045. And there is nothing preventing him from seeking the dismissal of his pending charge in the district court in the first instance. 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