

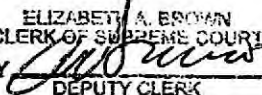
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUSTIN D. PORTER,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,  
Respondent,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 81314-COA

FILED

SEP 18 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

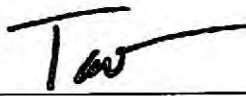
In this original petition for a writ of mandamus, Justin D. Porter seeks an order directing the district court to suppress evidence and to either conduct a jury trial or dismiss Porter's case due to the violation of his right to a speedy trial.

Porter has a plain and adequate remedy at law for his grievances. He may argue on appeal from a judgment of conviction that the evidence should have been suppressed and that his speedy trial rights were violated. *See* NRS 177.055; *see, e.g., Farmer v. State*, 133 Nev. 693, 702, 405 P.3d 114, 122-23 (2017) (analyzing a direct appeal claim that appellant's speedy trial rights were violated). And while we are concerned about the extraordinary delay in resolving Porter's case, he has failed to meet "[his] burden of demonstrating that extraordinary relief is warranted." *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). For these reasons, we cannot conclude this court's intervention by way of an extraordinary writ is warranted at this time. *See* NRS 34.170; *Poulos v.*

*Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) (“[T]he decision as to whether a petition will be entertained lies within the discretion of this court.”). Accordingly, without deciding the merits of the claims raised, we

ORDER the petition DENIED.

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

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

BULLA, J., dissenting:

Due to the inordinately lengthy amount of time that has passed in getting this case to trial, I would require an answer from the State before making any decision as to this petition. For this reason, I respectfully dissent.

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

cc: Hon. Jacqueline M. Bluth, District Judge  
Justin D. Porter  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk