

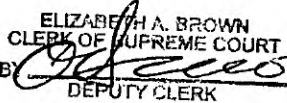
IN THE SUPREME COURT OF THE STATE OF NEVADA

IVAN JAY ANDREWS, JR.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CARLI LYNN KIERNY, DISTRICT
JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 85883

FILED

SEP 14 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying a motion to dismiss a second amended indictment based on a violation of petitioner Ivan Andrews, Jr.'s right to a speedy trial following a mistrial. Having considered the petition, answer, reply, and record, we conclude that our extraordinary and discretionary intervention is not warranted.¹ See NRS 34.170; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197-98, 179 P.3d 556, 558-59 (2008); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Andrews has a plain and adequate remedy at law. Andrews may argue on appeal from a judgment of conviction that

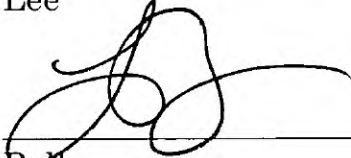
¹Andrews also has not demonstrated that the district court failed to perform "an act which the law especially enjoins," NRS 34.160, where he expressly waived his statutory right to a trial within 60 days under NRS 178.556(1).

the district court erred in denying the motion to dismiss and that his speedy trial rights were violated. *See* NRS 177.045; *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); *see also Pan*, 120 Nev. at 224, 88 P.3d at 841 (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”). Thus, Andrews failed to meet his burden of demonstrating that extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Stiglich


_____, J.
Lee


_____, J.
Bell

cc: Hon. Carli Lynn Kierny, District Judge
The Law Firm of C. Benjamin Scroggins, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk