

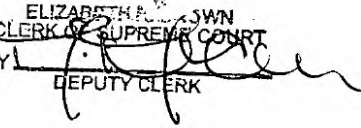
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NGUYEN HOOKER,
Appellant,
vs.
CITY OF LAS VEGAS,
Respondent.

No. 86975-COA

FILED

MAY 01 2024

ELIZABETH P. SWIN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Nguyen Hooker appeals from a district court order denying a petition for a writ of mandamus filed on May 17, 2023. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

In his petition, Hooker argued that the municipal court judge's decision to deny his motion to suppress the results of the evidentiary testing of Hooker's blood was capricious because it was contrary to the evidence and the established rules of law. In his underlying claim, Hooker argued that the results of the evidentiary testing of his blood should be suppressed because police violated NRS 289.830(1)(b) by turning off their body worn cameras prior to the testing.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). However, a writ of mandamus will not issue if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. A petitioner "carr[ies] the burden of demonstrating that extraordinary relief is

warranted.” *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). “We generally review a district court’s grant or denial of writ relief for an abuse of discretion.” *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

Hooker failed to demonstrate he did not have an adequate legal remedy in the form of an appeal after trial. *See Pan*, 120 Nev. at 224, 88 P.3d at 841 (providing that “the right to appeal is generally an adequate legal remedy that precludes writ relief”). Hooker thus failed to demonstrate that extraordinary relief is warranted, and we conclude the district court did not abuse its discretion by denying his petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jennifer L. Schwartz, District Judge
The Pariente Law Firm, P.C.
Las Vegas City Attorney
Eighth District Court Clerk