

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW BELICHESKY,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE BITA

YEAGER,

Respondents,

and


THE STATE OF NEVADA,

Real Party in Interest.

No. 90259

FILED

JUN 17 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

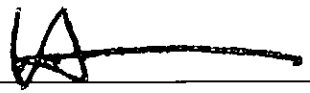
This original petition for a writ of mandamus challenges a district court order denying petitioner Andrew Belichesky's pretrial motion to dismiss several charges contained in an amended indictment on the ground that the charges were filed outside the applicable statutes of limitations.

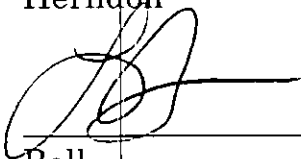
This court will exercise its discretion to issue a writ of mandamus only to compel the performance of an act that the law requires as a duty resulting from any office, trust, or station, NRS 34.160, or to control a manifest abuse of or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). 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. The petitioner "carri[es] 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).


Belichesky asserts that the writ petition presents issues of first impression regarding tolling of offenses committed in a "secret manner" under NRS 171.095(1)(a) and whether the charges at issue constitute continuing offenses. Belichesky therefore argues that our review is necessary because important issues of law must be addressed before trial to clarify when the relevant statutes of limitations accrued.

We are not persuaded that our intervention is warranted. The issue of when the statutes of limitations began to run raises disputed questions of fact that Belichesky will have the opportunity to address at trial. *See Dozier v. State*, 124 Nev. 125, 129, 178 P.3d 149, 152-53 (2008) (clarifying that the statute of limitations is an affirmative defense, such that the State must prove by a preponderance of the evidence that the secret nature of a crime supported tolling). Should Belichesky be convicted, these matters can be addressed on direct appeal from the final judgment. *See Sena v. State*, 138 Nev. 310, 316, 510 P.3d 731, 741 (2022) (observing that appellant adequately preserved statute of limitations challenges for appellate review by moving to dismiss before trial). Belichesky thus has an adequate remedy at law. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Bitá Yeager, District Judge
Goodwin Law Group, PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk