

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATHAN WILLIAMS,
Petitioner,

No. 91157

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
COURT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

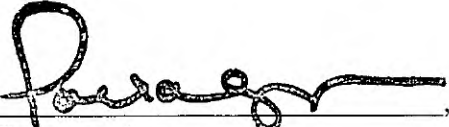
This emergency petition seeks a writ of mandamus compelling the district court to grant petitioner's motion to dismiss for, or to otherwise allow an instruction concerning, the destruction of and/or failure to preserve exculpatory evidence.


Whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion. *D.R. Horton, Inc. v. Eighth Jud. Dist. Ct.*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007), and it is petitioner's burden to demonstrate that extraordinary relief is warranted, *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). A writ of mandamus is available only when petitioner has no plain, speedy, and adequate legal remedy. *Id.* at 224, 88 P.3d at 841; *see* NRS 34.170.

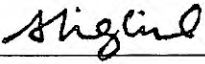
Having reviewed the petition and supporting documents, we conclude that petitioner has not met his burden. In particular, the district court orally denied petitioner's motion regarding the destruction of/failure

to preserve evidence without prejudice, indicating that the issue could be revisited at trial, if warranted. Moreover, petitioner may raise the issue on appeal from any judgment of conviction, and he has not demonstrated that an appeal would provide an inadequate legal remedy. Writ relief is therefore precluded. *Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 819, 407 P.3d 702, 706 (2017) (recognizing that “[a] writ of mandamus is not a substitute for an appeal”); *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.”). Accordingly, we decline to intervene and thus

ORDER the petition DENIED.¹


_____, J.
Parraguirre


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Carli Lynn Kierny, District Judge
Sanft Law
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this order, petitioner’s motion to stay trial is denied as moot.