



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE NADIA
KRALL, DISTRICT JUDGE,
Respondents,
and
JOSHUA BALDASSARRE,
Real Party in Interest.

No. 92575-COA

ORDER DENYING PETITION

This is an original petition by the State of Nevada seeking a writ of mandamus.¹ The underlying proceeding in the district court is a postconviction petition for a writ of habeas corpus filed by Joshua Baldassarre, the real party in interest. The State challenges the district court's failure to apply the mandatory procedural bars to Baldassarre's third habeas petition and argues the district court abused its discretion by granting his discovery motion and allowing him to subpoena the victim's medical records.

A writ of mandamus is available "to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station

¹The State alternatively seeks a writ of prohibition but does not provide cogent argument regarding that relief. Therefore, we need not consider it. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

or to control a manifest abuse of or arbitrary or capricious exercise of discretion.” *State v. Eighth Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005); *see also* NRS 34.160. “This court will not issue a writ if the petitioner has a plain, speedy, and adequate remedy at law,” *State v. Eighth Jud. Dist. Ct. (Brown)*, 141 Nev., Adv. Op. 27, 569 P.3d 637, 639 (2025) (quotation marks omitted); *see also* NRS 34.170, and “the right to appeal is generally an adequate legal remedy that precludes writ relief,” *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Whether a petition for a writ of mandamus will be considered is within this court’s sole discretion, and the petitioner has the burden of demonstrating extraordinary relief is warranted. *Gardner v. Eighth Jud. Dist. Ct.*, 133 Nev. 730, 732, 405 P.3d 651, 653 (2017).

Here, the State has a plain, speedy, and adequate remedy at law to challenge the district court’s actions with regard to the habeas petition by way of an appeal if the court grants the petition. *See* NRS 34.575(2) (recognizing the State’s ability to appeal from a district court order granting a postconviction petition for a writ of habeas corpus). While the Nevada Supreme Court has recognized narrow circumstances under which extraordinary relief related to postconviction procedural bars may be warranted, *see Riker*, 121 Nev. at 233, 112 P.3d at 1075-76 (stating “extraordinary relief is likely warranted” if “it is clear that the district court has disregarded the applicable law and failed to decide the issue of procedural default or decided the issue by applying clearly incorrect legal standards”), the State has not demonstrated such circumstances here.

The record shows the district court made a reasonable effort to follow the mandatory procedural default rules and did not disregard the rules or apply clearly incorrect legal standards. In its written order and during a

hearing on the habeas petition, the district court considered the applicable procedural default rules, applied them to Baldassarre's petition, and concluded Baldassarre overcame the procedural bars. "That the State, or even this court, might disagree with the district court's conclusion is not a reason to seek extraordinary relief as long as the district court has made a reasonable effort to follow the applicable law regarding procedural default." *Id.* at 233, 112 P.3d at 1075 (noting an appeal from the district court's final disposition is adequate to maintain consistent application of the mandatory procedural default rules).

The State also argues extraordinary intervention is warranted because the district court's order allows discovery of the victim's privileged medical records. *See Canarelli v. Eighth Jud. Dist. Ct.*, 136 Nev. 247, 250, 464 P.3d 114, 119 (2020) ("[E]ven though discovery issues are traditionally subject to the district court's discretion and unreviewable by a writ petition, this court will intervene when the district court issues an order requiring disclosure of privileged information." (quotation marks omitted)). However, the State has not shown that it can assert doctor-patient privilege on the victim's behalf. *See* NRS 49.235 (providing that doctor-patient privilege may be claimed by the patient, the patient's guardian or conservator, the patient's personal representative, or by the patient's doctor); *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020) (holding that for a writ of mandamus to issue, the petitioner must "demonstrate a clear legal right to" the requested course of action and that the district court "manifestly abused" its discretion (emphasis omitted)).

Where the State has not shown it can assert the doctor-patient privilege on the victim's behalf, mandamus relief is unavailable on that basis. *See* NRS 34.170 (providing that a writ of mandamus shall issue "on the application of the party beneficially interested"); *Heller v. Legislature*, 120 Nev.

456, 461, 93 P.3d 746, 749 (2004) (“To demonstrate a beneficial interest sufficient to pursue a mandamus action, a party must show a direct and substantial interest that falls within the zone of interests to be protected by the legal duty asserted.” (quoting *Lindelli v. Town of San Anselmo*, 4 Cal. Rptr. 3d 453, 461 (Ct. App. 2003))). Based on the arguments presented, the State has not demonstrated that our extraordinary intervention is appropriate at this time.

For these reasons, we conclude that extraordinary relief is not warranted. Accordingly, we

ORDER the petition DENIED.²



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Nadia Krall, District Judge
Clark County District Attorney
Federal Public Defender/Las Vegas
Eighth District Court Clerk

²Insofar as the State raises other arguments not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for extraordinary relief.

Consistent with this decision, we lift the stay entered by this court on May 20, 2026.