



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONALD RAY RUCKER, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90623-COA

ORDER OF AFFIRMANCE

Donald Ray Rucker, Jr., appeals from a district court order denying a petition for a writ of mandamus filed on April 16, 2025. Eighth Judicial District Court, Clark County; Hon. Kathleen E. Delaney, Judge.

Rucker argues the district court abused its discretion in denying his petition because it improperly analyzed the *Barker-Doggett*¹ factors in adjudicating his speedy-trial claim. 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). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; *see also Berrum v. Otto*, 127 Nev. 372, 377, 255 P.3d 1269, 1272 (2011) (stating a petitioner must show that there is “no other available remedy at law”). A petitioner “carr[ies] the burden of demonstrating that extraordinary relief is warranted,” *Pan v. Eighth*

¹*Barker v. Wingo*, 407 U.S. 514 (1972); *Doggett v. United States*, 505 U.S. 647 (1992).

Jud. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004), and we review a district court’s order denying a petition for a writ of mandamus for an abuse of discretion, *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006).

In this matter, Rucker filed a motion to dismiss his case with the justice court, arguing that his speedy trial rights had been violated. The justice court denied the motion, and Rucker filed a petition for a writ of mandamus with the district court, in which he requested that the court order the justice court to dismiss his case. Although Rucker contended that his speedy trial rights had been violated, he did not allege, let alone demonstrate, that he had no other available remedy at law. In fact, Rucker can raise his speedy-trial claim in the normal course through a pretrial motion to dismiss or habeas petition filed with the district court after a bind over.² See *State v. Inzunza*, 135 Nev. 513, 514, 454 P.3d 727, 729 (2019) (reviewing a district court’s decision granting a pretrial motion to dismiss an indictment based on a speedy trial violation); *Sheriff v. Hatch*, 100 Nev. 664, 667 n.1, 691 P.2d 449, 451 n.1 (1984) (stating a defendant may challenge the legality of their detention on speedy trial grounds via a pretrial petition for writ of habeas corpus).

Because Rucker has a plain, speedy, and adequate remedy with which to raise his speedy-trial claim, he fails to demonstrate the district court abused its discretion by denying his petition. Cf. *Henderson City Att’y v. Cerrone*, 140 Nev., Adv. Op. 68, 557 P.3d 979, 982 (2024) (holding the “district court abused its discretion in entertaining [the defendant’s] mandamus

²We note that the district court would not be bound by the justice court’s decision. Cf. *Gathrite v. Eighth Jud. Dist. Ct.*, 135 Nev. 405, 409-10, 451 P.3d 891, 895 (2019) (“This court has never questioned the district court’s authority to decide [suppression] issues anew after a bind over, and we are not inclined to do so now.”).

petition” where the defendant “had an adequate remedy in the form of a direct appeal should he be convicted”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³



Bulla, C.J.



Gibbons, J.

cc: Hon. Kathleen E. Delaney, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Eighth District Court Clerk

³The Honorable Deborah L. Westbrook did not participate in the decision in this matter.