

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVONTAE AMARRI WHEELER,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK;  
AND THE HONORABLE MICHELLE  
LEAVITT, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 78442

FILED


MAY 15 2010

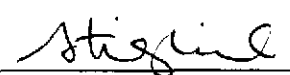
ELIZABETH L. GIBBONS  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION

This petition for a writ of mandamus or prohibition challenges a district court order denying a motion to sever. Because petitioner may challenge the order denying his motion to sever on appeal if he is convicted, *see* NRS 177.015(3); NRS 177.045, we decline to exercise original jurisdiction in this matter. *See* NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”); *see also* *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ of mandamus is discretionary). Accordingly, we

ORDER the petition DENIED.

 C.J.  
Gibbons

, J.  
Stiglich

, J.  
Silver

cc: Hon. Michelle Leavitt, District Judge  
James J. Ruggeroli  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk