

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM ERRICO,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE ERIC  
JOHNSON, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 78724

**FILED**

MAY 24 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION*

This petition for a writ of mandamus or prohibition challenges district court orders denying motions to dismiss an indictment based on the statute of limitations and insufficient notice. We are not satisfied that this court's intervention by way of an extraordinary writ is warranted. *See* NRS 34.160; NRS 34.320; *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). Further, petitioner's arguments for a change in law regarding whether the statute of limitations is jurisdictional or an affirmative defense may be raised on appeal if he is convicted. *See* NRS 34.170; NRS 34.330; NRS 177.015(3); NRS 177.045; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) ("[T]he right to

