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 2 4 2019

CLERK OF SUPREME COURT

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

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appeal is generally an adequate legal remedy that precludes writ relief."). Accordingly, we

ORDER the petition DENIED.

Pickering

Parraguirre

Cadish

Hon. Eric Johnson, District Judge

William B. Terry, Chartered Attorney General/Carson City Clark County District Attorney Eighth District Court Clerk

cc: