

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK BANKA,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CAROLYN ELLSWORTH, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 79014

FILED

JUN 24 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges the district court's asserted refusal to allow petitioner to substitute counsel and continue trial.

Having review the petition and supporting documents, including the district court minutes, we are not satisfied that this court's intervention by way of an extraordinary writ is warranted. *See* NRS 34.160; *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). Petitioner's trial is scheduled to begin next week, and whether the district court legally erred or abused its discretion with regard to the substitution may be raised on appeal if he is convicted. *See* NRS 34.170; 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 appeal is

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

ORDER the petition DENIED.¹

Pickering J.
Pickering
Cadish J.
Cadish

cc: Hon. Carolyn Ellsworth, District Judge
Law Offices of John G. Watkins
The Pariente Law Firm, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this order, petitioner's emergency motion to stay trial is denied as moot.