

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY DECORLEON BROWN,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 80094

FILED

DEC 05 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 following three evidentiary rulings: (1) the district court's decision to limit cross-examination, before the jury, of a company used by the State to unlock petitioner's cell phone to obtain its contents, on the basis that such testimony, which is technical in nature, might confuse the jury; (2) the district court's determination that no expert testimony was required on the issue of whether bloody partial footwear impressions left on the scene were made by a pair of shoes recovered from petitioner's girlfriend's house—so long as the State did not make arguments regarding gait or regarding the unique characteristics of petitioner as the wearer of the shoe; and (3) the district court's decision to only partially grant petitioner's request for corrective action reports from the lab that performed DNA analysis crucial to the State's case.

Having reviewed the petition and supporting documentation, we conclude that our extraordinary intervention is not warranted. *See* NRS

34.160; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (explaining that petitioners bear the burden of demonstrating that extraordinary relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (“[T]he issuance of a writ of mandamus or prohibition is purely discretionary with this court.”). Trial is scheduled to begin soon and petitioner has an adequate remedy at law by way of direct appeal from any judgment of conviction. See NRS 34.170. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Valerie Adair, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this order, we deny petitioner’s emergency motion for stay as moot.