

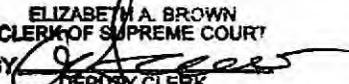
IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS CARRILLO,
Petitioner,
vs.
THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY; AND THE
HONORABLE JAMES E. WILSON,
DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 83856

FILED

JAN 27 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus and/or prohibition seeking the dismissal of criminal charges.

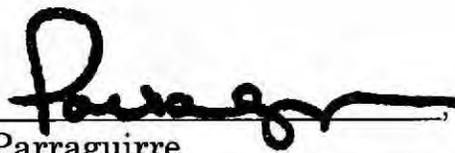
This court has original jurisdiction to issue writs of mandamus, Nev. Const. art. 6, § 4, and the issuance of such a writ is solely within this court's discretion, *Gathrite v. Eighth Judicial Dist. Court*, 135 Nev. 405, 407, 451 P.3d 891, 893 (2019).¹ A writ of mandamus is available to compel the performance of an act that the law requires as a duty arising from an office, trust, or station, or to control a manifest abuse of discretion or an arbitrary or capricious exercise of discretion. NRS 34.160; *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931, 267 P.3d 777, 779 (2011); *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus is available only when

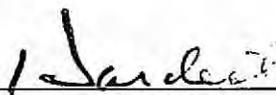
¹Although petitioner filed a petition for "a writ of mandamus and/or prohibition" in this court, he only addresses and seeks mandamus relief.

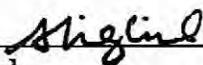
no plain, speedy, and adequate remedy exists in the ordinary course of law, NRS 34.170, and this court has repeatedly held that an appeal is an adequate remedy at law that precludes writ relief, *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). It is petitioner's burden to demonstrate that extraordinary relief is warranted. *Id.* at 228, 88 P.3d at 844.

Having considered the petition, we are not persuaded that this court's intervention by way of extraordinary writ is warranted because petitioner has not demonstrated that a direct appeal from a judgment of conviction would not be "a plain, speedy and adequate remedy in the ordinary course of law." NRS 34.170. Accordingly, we

ORDER the petition DENIED.


Parraguirre C.J.


Hardesty J.


Stiglich J.

cc: Hon. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk