

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN CHRISTOPHER GAZLAY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 86127

FILED

FEB 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This pro se petition for a writ of mandamus or prohibition challenges a district court order denying petitioner's motion to dismiss a pending criminal charge against him. Specifically, petitioner contests, among other things, the district court's jurisdiction and authority to try unconvicted persons for violation of NRS 212.220 and the court's refusal to interpret that statute and to declare the statute unconstitutionally vague as applied to him. Petitioner has also filed an emergency motion seeking to stay his upcoming trial pending our consideration of this writ petition.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (explaining that petitioner bears 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) (providing that this court has sole discretion in determining if a writ petition will be considered). In particular, petitioner has a plain, speedy, and adequate remedy in the ordinary course of the law, and the petition does not present any circumstances that reveal urgency or a strong necessity for this court's pretrial intervention despite the availability of an effective alternative remedy, particularly as trial is imminent. See NRS 34.330; NRS 34.170; *Pan*, 120 Nev. at 223, 88 P.3d at 841; *Salaiscooper v. Eighth Judicial Dist. Court*, 117 Nev. 892, 901-02, 34 P.3d 509, 515-16 (2001). Accordingly, we
ORDER the petition DENIED.¹

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Herndon, J.
Herndon

cc: Steven Christopher Gazlay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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