

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHELTON ALPHONSE,
Petitioner,

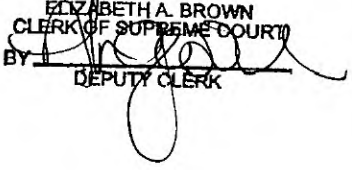
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE KATHLEEN
DELANEY, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 87276

FILED

SEP 19 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This emergency petition seeks a writ of mandamus compelling the district court to dismiss the charges against petitioner due to an assertedly improper continuance of trial. On September 18, 2023, petitioner filed a supplement to the petition further alleging that the district judge who granted the continuance had an undisclosed conflict of interest.¹


Having considered the petition, supplement thereto, and appendix, we conclude that our extraordinary and discretionary intervention is not warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991)

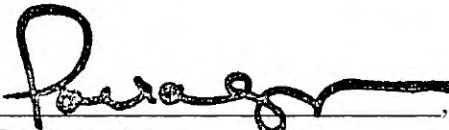
¹Petitioner's September 18, 2023, motion for leave to file a supplement to the petition is granted; the supplement was filed the same day. His September 19, 2023, motion for leave to file a supplemental appendix is also granted; the supplemental appendix was filed on September 19.

(recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). Additionally, we note that petitioner has not demonstrated that he sought and was denied relief in the district court in the first instance, and with trial scheduled to begin next week, it appears that petitioner has an adequate legal remedy in the form of an appeal from any conviction. See NRS 34.170; *Pan*, 120 Nev. at 223, 88 P.3d at 841; *cf. Salaiscooper v. Eighth Judicial Dist. Court*, 117 Nev. 892, 901-02, 34 P.3d 509, 515-16 (2001). Accordingly, we

ORDER the petition DENIED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Kathleen E. Delany, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk