

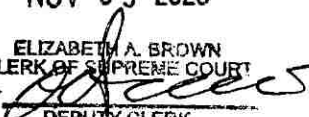
IN THE SUPREME COURT OF THE STATE OF NEVADA

SYLVIA FRED; AND ELVIN LEE  
FRED,  
Petitioners,  
vs.  
THE FIRST JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CARSON CITY; AND THE  
HONORABLE JAMES TODD RUSSELL,  
DISTRICT JUDGE,  
Respondents,  
and  
INVESTIGATION DIVISION OF THE  
DEPARTMENT OF PUBLIC SAFETY  
OF THE STATE OF NEVADA, (TRI-  
NET NARCOTICS TASK FORCE),  
Real Party in Interest.

No. 86323

**FILED**

NOV 09 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of mandamus challenges a district court order staying civil forfeiture proceedings.

Real party in interest the Investigation Division of the Department of Public Safety of the State of Nevada (Tri-Net Narcotics Task Force) (hereinafter Tri-Net), has sought forfeiture of the Carson City home belonging to petitioners Elvin and Sylvia Fred (collectively the Freds) since 2015, when Elvin pleaded guilty to a drug trafficking charge. After a yearslong procedural delay, Tri-Net filed an amended complaint for

forfeiture in 2022.<sup>1</sup> Elvin and Sylvia separately answered and brought constitutional and tort counterclaims against Tri-Net. Furthermore, Elvin individually filed a writ petition in this court, Docket No. 85590, alleging that the forfeiture proceedings violated the Double Jeopardy Clause of the Nevada Constitution. After Elvin filed his petition in Docket No. 85590, the district court granted Tri-Net's motion to stay the forfeiture proceedings pending the outcome of Elvin's petition. In response, the Freds filed the instant petition for a writ of mandamus, requesting that this court lift the district court's order of stay so that discovery pertaining to Elvin and Sylvia's counterclaims may resume while Docket No. 85590 is pending.

We decline to entertain the instant petition. "Writ relief is not available . . . when an adequate and speedy legal remedy exists." *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (citing NRS 34.170). The Freds are not without an adequate and speedy legal remedy because this court will decide Docket No. 85590 promptly, after which the district court may lift the stay. *See Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 683, 476 P.3d 1194, 1198 (2020) (observing that "[a] remedy does not fail to be speedy and adequate, because, by pursuing it through the ordinary course of law, more time probably would be consumed than in a mandamus proceeding").


Nor is there an alternative basis for entertaining the writ. The petition presents no "important issue of law requir[ing] clarification." *Scarbo v. Eighth Judicial Dist. Court*, 125 Nev. 118, 121, 206 P.3d 975, 977

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<sup>1</sup>For a more complete history of this dispute prior to the 2022 amended complaint, see *Matter of 3587 Desatoya Drive, Carson City, Nevada 89701*, No. 80194, 2021 WL 4847506 (Nev. Oct. 15, 2021) (Order of Reversal and Remand).

(2009) (internal quotation marks omitted). Moreover, “judicial economy and sound judicial administration” militate against writ review, *id.*, due to the high potential for confusion and wasted resources should district court proceedings continue while Elvin’s petition in Docket No. 85590 remains pending in this court. Thus, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Stiglich

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Herndon

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Bell

cc: Hon. James Todd Russell, District Judge  
McDonald Carano LLP/Reno  
McDonald Carano LLP/Las Vegas  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk