

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANDRE GATHRITE,
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. 87412

FILED

JAN 16 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges the denial of petitioner Deandre Gathrite's pretrial motion to sever the charges against him. Because Gathrite may challenge the denial of his motion on direct appeal if convicted, *see* NRS 177.015(3); NRS 177.045 ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed."), we decline to exercise original jurisdiction in this matter. *See* NRS 34.170; NRS 34.330; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) ("[T]he right to appeal is generally an adequate legal remedy that precludes writ relief."); *see also Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ of mandamus or prohibition is discretionary). Furthermore, a writ of prohibition is inappropriate here because the district court had jurisdiction

to rule on Gathrite's motion to sever the charges. See NRS 34.320.
Accordingly, we

ORDER the petition DENIED.

Stiglich, J.
Stiglich

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Law Office of Amanda Pellizzari, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk