

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD THOMAS LESPADÉ,
Petitioner,

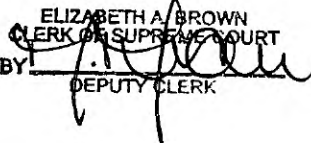
vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF ELKO;
AND THE HONORABLE MASON E.
SIMONS, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 87327

FILED

MAR 08 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

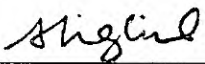
ORDER DENYING PETITION

This original petition for a writ of prohibition challenges the admission of prior bad act evidence and seeks recusal of a district court judge.

A writ of prohibition may issue to arrest the proceedings of any tribunal, corporation, board, or person exercising judicial functions without or in excess of its jurisdiction. NRS 34.320. A writ of prohibition will not issue where a petitioner has “a plain, speedy, and adequate remedy in the ordinary course of law.” NRS 34.330. Petitioner bears the burden of demonstrating extraordinary relief is warranted. See *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that a petitioner bears “the burden of demonstrating that extraordinary relief is warranted”); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (noting that the “the issuance of a writ of mandamus or prohibition is purely discretionary with this court”). Having considered the

petition and accompanying materials, we are not convinced that our extraordinary and discretionary intervention is warranted. Accordingly, we
ORDER the petition DENIED.


_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Mason E. Simons, District Judge
Gary D. Woodbury
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk