

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOS VRACHNOS,
Petitioner,
vs.
THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE,
DEPARTMENT 1; AND THE
HONORABLE KIMBERLY A. WANKER,
DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 87069

FILED

MAR 29 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court ruling denying a pretrial petition for a writ of habeas corpus.

A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus will not issue when the petitioner has “a plain, speedy and adequate remedy in the ordinary course of law.” NRS 34.170. This court retains sole discretion on whether to grant extraordinary relief and petitioners bear the burden of proving such intervention is necessary. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991); *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

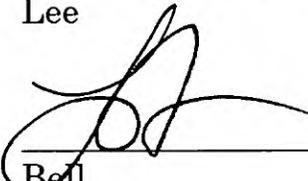
Having considered the underlying petition, we decline to exercise our discretion to entertain the writ. Under the plain text of the statute governing pretrial habeas petitions, the district court “may not”

consider a petition filed "21 days after the first appearance of the accused in the district court." NRS 34.700(1)(a). Vrachnos's petition, filed 22 days after the first appearance, could not have been considered by the district court. The district court appropriately denied Vrachnos's subsequent motion to extend the statutory deadline because it, too, was untimely. See N.R.Cr.P. 11(1). Accordingly, we

ORDER the petition DENIED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

cc: Hon. Kimberly A. Wanker, District Judge
Goodman Law Group
Palazzo Law Firm
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk