

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOLOMON M. BROOKS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE TARA
D. CLARK NEWBERRY, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 88379

FILED

MAR 29 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This emergency original petition for a writ of mandamus or prohibition challenges the district court's jurisdiction to proceed with a criminal trial in the underlying case. Petitioner has also filed an emergency motion for stay of the district court proceedings pending our consideration of this writ petition.

A writ of mandamus may be entered to control an arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); *see also* NRS 34.160, and a writ of prohibition is available to curb jurisdictional excesses, NRS 34.330. Neither writ will issue, however, when the petitioner has an adequate legal remedy. NRS 34.170; NRS 34.340; *Clay v. Eighth Judicial Dist. Court*, 129 Nev. 445, 449, 305 P.3d 898, 901 (2013).

Here, petitioner's trial is scheduled for next week, and petitioner may raise his jurisdictional concerns on appeal from any judgment of conviction. Accordingly, having considered the petition and supporting documents, we decline to exercise our original jurisdiction. See *Pan v. Eighth Jud. Dist. Ct.*, 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 Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ is discretionary). Thus, petitioner's emergency motion for stay is denied as moot, and we

ORDER the petition DENIED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

cc: Hon. Tara D. Clark Newberry, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk