

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK BANKA,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
CAROLYN ELLSWORTH, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 79014

**FILED**

JUN 24 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges the district court's asserted refusal to allow petitioner to substitute counsel and continue trial.

Having review the petition and supporting documents, including the district court minutes, we are not satisfied that this court's intervention by way of an extraordinary writ is warranted. See NRS 34.160; *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 is discretionary). Petitioner's trial is scheduled to begin next week, and whether the district court legally erred or abused its discretion with regard to the substitution may be raised on appeal if he is convicted. See NRS 34.170; NRS 177.015(3); NRS 177.045; *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.").  
Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Pickering, J.  
Pickering  
Cadish, J.  
Cadish

cc: Hon. Carolyn Ellsworth, District Judge  
Law Offices of John G. Watkins  
The Pariente Law Firm, P.C.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, petitioner's emergency motion to stay trial is denied as moot.