

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN RODNEY ORTH,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 84180

FILED

APR 14 2022

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

**ORDER DENYING PETITION FOR
A WRIT OF MANDAMUS**

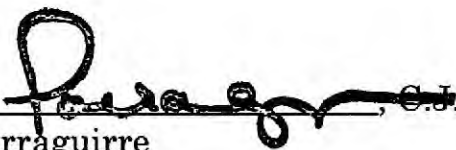
This pro se petition for a writ of mandamus challenges actions of the district court in continuing petitioner's preliminary hearing, denying petitioner's motion to suppress evidence, and violating double jeopardy. Petitioner also alleges the State manipulated the suppression proceedings by withholding material information.

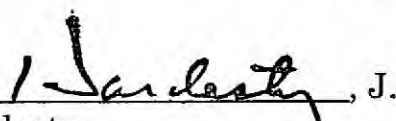
This court has original jurisdiction to issue writs of mandamus, and the issuance of such extraordinary relief is within this court's sole discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears the burden to show that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 841 (2004). A writ of mandamus is not available when the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. *Williams v. Eighth Judicial Dist. Court*, 127 Nev. 518, 524, 262 P.3d 360, 364 (2011); *see also Pan*, 120 Nev. at 224, 88 P.3d at 841. The opportunity to appeal a final judgment typically provides an adequate legal remedy. *Williams* 127

Nev. at 524, 262 P.3d at 364 (2011); *see also Pan*, 120 Nev. at 228, 88 P.3d at 844 (“[An] appeal is generally an adequate remedy precluding writ relief.”) Even when an appeal is not immediately available because the challenged order is interlocutory in nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Pan*, 120 Nev. at 225, 88 P.3d at 841. Having considered the petition, we are not persuaded that our extraordinary intervention is warranted because petitioner has not demonstrated that an appeal from a final judgment below would not be a plain, speedy, and adequate legal remedy.

Additionally, we note that petitioner has not provided this court with all the necessary exhibits or documentation that would support his claims for relief. *See* NRAP 21(a)(4) (providing the petitioner shall submit an appendix containing all documents “essential to understand the matters set forth in the petition”). Therefore, without deciding the merits of the claims raised, we decline to exercise our original jurisdiction in this matter. *See* NRAP 21(b). Accordingly, we

ORDER the petition DENIED.


Parraguirre


Hardesty


Stiglich

cc: Sean Rodney Orth
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk