

IN THE SUPREME COURT OF THE STATE OF NEVADA

SYLVIA FRED; AND ELVIN LEE
FRED,
Petitioners,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY; AND THE
HONORABLE JAMES TODD RUSSELL,
DISTRICT JUDGE,

Respondents,

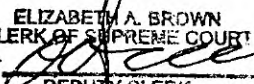
and

INVESTIGATION DIVISION OF THE
DEPARTMENT OF PUBLIC SAFETY
OF THE STATE OF NEVADA, (TRI-
NET NARCOTICS TASK FORCE),
Real Party in Interest.

No. 86323

FILED

NOV 09 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order staying civil forfeiture proceedings.

Real party in interest the Investigation Division of the Department of Public Safety of the State of Nevada (Tri-Net Narcotics Task Force) (hereinafter Tri-Net), has sought forfeiture of the Carson City home belonging to petitioners Elvin and Sylvia Fred (collectively the Freds) since 2015, when Elvin pleaded guilty to a drug trafficking charge. After a yearslong procedural delay, Tri-Net filed an amended complaint for

forfeiture in 2022.¹ Elvin and Sylvia separately answered and brought constitutional and tort counterclaims against Tri-Net. Furthermore, Elvin individually filed a writ petition in this court, Docket No. 85590, alleging that the forfeiture proceedings violated the Double Jeopardy Clause of the Nevada Constitution. After Elvin filed his petition in Docket No. 85590, the district court granted Tri-Net's motion to stay the forfeiture proceedings pending the outcome of Elvin's petition. In response, the Freds filed the instant petition for a writ of mandamus, requesting that this court lift the district court's order of stay so that discovery pertaining to Elvin and Sylvia's counterclaims may resume while Docket No. 85590 is pending.

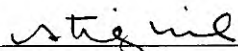
We decline to entertain the instant petition. "Writ relief is not available . . . when an adequate and speedy legal remedy exists." *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (citing NRS 34.170). The Freds are not without an adequate and speedy legal remedy because this court will decide Docket No. 85590 promptly, after which the district court may lift the stay. *See Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 683, 476 P.3d 1194, 1198 (2020) (observing that "[a] remedy does not fail to be speedy and adequate, because, by pursuing it through the ordinary course of law, more time probably would be consumed than in a mandamus proceeding").


Nor is there an alternative basis for entertaining the writ. The petition presents no "important issue of law requir[ing] clarification." *Scarbo v. Eighth Judicial Dist. Court*, 125 Nev. 118, 121, 206 P.3d 975, 977

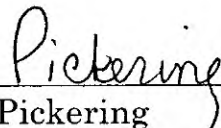
¹For a more complete history of this dispute prior to the 2022 amended complaint, *see Matter of 3587 Desatoya Drive, Carson City, Nevada 89701*, No. 80194, 2021 WL 4847506 (Nev. Oct. 15, 2021) (Order of Reversal and Remand).

(2009) (internal quotation marks omitted). Moreover, “judicial economy and sound judicial administration” militate against writ review, *id.*, due to the high potential for confusion and wasted resources should district court proceedings continue while Elvin’s petition in Docket No. 85590 remains pending in this court. Thus, we


ORDER the petition DENIED.

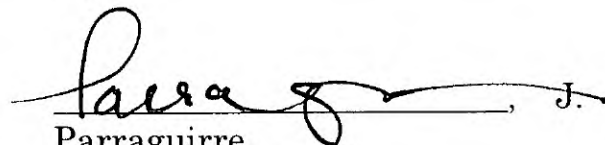

Stiglich, C.J.


Cadish, J.


Pickering, J.


Herndon, J.


Lee, J.


Parraguirre, J.


Bell, J.

cc: Hon. James Todd Russell, District Judge
McDonald Carano LLP/Reno
McDonald Carano LLP/Las Vegas
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk