

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES MATTHEW WIRTH,  
Petitioner,  
vs.  
NEVADA PAROLE BOARD; ADAM  
ENDEL; CHRISTOPHER DERICCO;  
SUSAN JACKSON; AND MICHAEL  
KEELER,  
Respondents.

No. 75843

**FILED**

JUL 31 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of mandamus seeks an order directing the Board of Parole Commissioners to hold a new parole hearing for Charles Matthew Wirth. Wirth asserts the Board misapplied its internal guidelines when assessing whether to grant him parole because the Board used inapplicable aggravating factors and did not consider all mitigating factors. Therefore, Wirth argues he was not properly considered for parole.

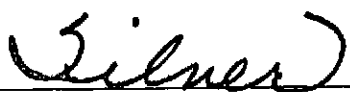
Having considered the petition and other documents filed in this matter, we are not satisfied this court's intervention by way of extraordinary relief is warranted.<sup>1</sup> See NRS 34.160; NRS 34.170. Wirth has not demonstrated the Board used any inapplicable aggravating factors and, therefore, he has not demonstrated "the Board's decision [was] based in part on an inapplicable aggravating factor." *Anselmo v. Bisbee*, 133 Nev.

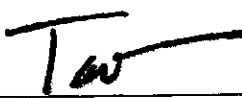
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<sup>1</sup>We deny Wirth's motion to compel. We grant respondents' motion to strike. The clerk of this court shall strike the copy of the district court order that was filed in this case on July 6, 2018.

\_\_\_, \_\_\_, 396 P.3d 848; 853 (2017); *see also Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). Further, Wirth's claims regarding the mitigating factors considered by the Board is a challenge to the evidence supporting the Board's decision, which this court generally will not review. *See Anselmo*, 133 Nev. at \_\_\_, 396 P.3d at 851. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Charles Matthew Wirth  
Attorney General/Carson City  
Attorney General/Dep't of Public Safety/Carson City