

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRET BLACK, JR.,
Petitioner,

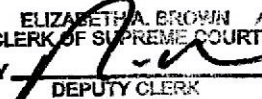
vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
STOREY; AND THE HONORABLE
JAMES E. WILSON, DISTRICT JUDGE,
Respondents,
and
ANNE M. LANGER, STOREY COUNTY
DISTRICT ATTORNEY,
Real Party in Interest.

No. 80109

FILED

JAN 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This petition for a writ of mandamus challenges the district court's determination to conduct a comprehensive evidentiary hearing, including facts relating to the underlying criminal case,¹ to determine whether petitioner should be placed in a forensic facility. We decline to exercise original jurisdiction in this matter. NRS 34.160; NRS 34.320; *see also State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931, 267 P.3d 777, 779-80 (2011) (defining an arbitrary and capricious exercise of discretion and determining that "the decision to entertain an extraordinary writ petition lies within our discretion"); *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981)

¹Petitioner was charged with murder but found incompetent to stand trial with no substantial probability that he would attain competency in the foreseeable future. Consequently, the criminal charges were dismissed pursuant to NRS 178.425(5), and the State filed a motion to commit petitioner pursuant to NRS 178.461.

(recognizing that mandamus relief may be warranted where district court's ruling was a manifest abuse or arbitrary or capricious exercise of discretion); *Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) ("A writ of prohibition . . . will not issue if the court sought to be restrained had jurisdiction to hear and determine the matter under consideration."). Accordingly, we

ORDER the petition DENIED.²

Pickering, C.J.
Pickering
Gibbons, J.
Gibbons
Douglas, Sr. J.
Douglas

cc: Hon. James E. Wilson, District Judge
Law Office of David R. Houston
Law Offices of Kenneth E. Lyon, III
Attorney General/Carson City
Storey County District Attorney
Storey County Clerk

²The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.