

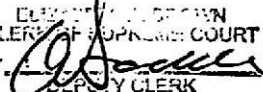
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMAAL D. WILLIAMS,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
STACY MICHELLE ROCHELEAU,  
DISTRICT JUDGE,  
Respondents,  
and  
ASHLEY AYANNA ROBINSON,  
Real Party in Interest.

No. 82558-COA

FILED

APR 13 2021

ELEONORE L. DEWAIN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

In this original petition for a writ of mandamus or prohibition, petitioner Jamaal Williams challenges the district court's decision on his motions to modify custody and to hold real party in interest Ashley Robinson in contempt for violating a no-contact order, as set forth in the court's March 9, 2021, written order. In particular, Williams asks us to order that he be given temporary primary physical custody of the parties' child pending the district court holding an evidentiary hearing on his motion to modify custody. As directed, Robinson has filed an answer, and Williams has filed a reply.

Having considered the petition, answer, reply, and supporting documentation, we conclude that our extraordinary and discretionary intervention is not warranted at this time. NRS 34.320 (prohibition may issue to remedy jurisdictional deficiencies or excesses); *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558


(2008) (“A writ of mandamus is available to compel the performance of an act that the law requires . . . or to control an arbitrary or capricious exercise of discretion.”); see *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that we have sole discretion in determining whether to entertain a writ petition). Although the district court’s order is problematic in that it neither sets an evidentiary hearing nor expressly continues or denies the motion to modify, see *Arcella v. Arcella*, 133 Nev. 868, 871, 407 P.3d 341, 345 (2017); *Rooney v. Rooney*, 109 Nev. 540, 853 P.2d 123 (1993), the court considered the safety issues raised by Williams and directed the parties to maintain its prior no-contact order; continue to follow the safety plan arising from the juvenile case. in which additional oversight apparently is being supplied; provide additional information about where the child will be staying when Robinson has parenting time; and proceed with the child’s therapy. The court also set a status check hearing for follow-up.

On this record, where no evidentiary hearing has been held but the district court has considered and taken into account alleged safety issues, we decline to intervene to change the parties’ custody. See *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (explaining that “an appellate court is not an appropriate forum in which to resolve disputed questions of fact”). Nevertheless, we expect that the district court will expeditiously resolve the motion to modify custody—either by denying the motion after expressly determining, in a written order, that the grounds alleged in the motion do not justify an evidentiary

hearing under the standard set forth in *Arcella*, 133 Nev. at 871, 407 P.3d at 345, and *Rooney*, 109 Nev. at 542-43, 853 P.2d at 124-25, or by written order reflecting express determinations of the child's best interest after holding such a hearing—as well as any other pending custody issues. See SCR 251 (requiring that issues affecting child custody be resolved within six months). Thus, we

ORDER the petition DENIED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Court Division  
Rosenblum Law Offices  
Nehme-Tomalka & Associates  
Eighth District Court Clerk