

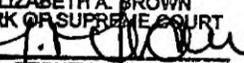
IN THE SUPREME COURT OF THE STATE OF NEVADA

TAYLON J. HICKS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE TARA
D. CLARK NEWBERRY, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 87709

FILED

FEB 15 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus and/or prohibition challenges a district court order denying a pretrial petition for a writ of habeas corpus. Having considered petitioner Taylon J. Hicks's petition, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; NRS 34.320; *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 this court has sole discretion in determining whether to entertain a writ petition).

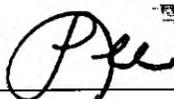
In particular, Hicks challenges the sufficiency of the evidence presented at the preliminary hearing. This court, however, disfavors writ challenges to pretrial probable cause determinations, *Kussman v. Eighth Judicial Dist. Court*, 96 Nev. 544, 545-46, 612 P.2d 679, 680 (1980), unless

they involve purely legal issues, *Ostman v. Eighth Judicial Dist. Court*, 107 Nev. 563, 565, 816 P.2d 458, 459-60 (1991). Hicks' challenges do not present purely legal issues. Insofar as Hicks argues that the petition presents important issues warranting clarification regarding the evidence that must be shown to establish the elements of the charged offenses, any such issue will benefit from development at trial and does not warrant this court's intervention at this time. And writ relief is not warranted to the extent that Hicks argues that whether the State met its evidentiary burden constitutes an issue capable of repetition yet evading review, given that Hicks has already obtained review of the evidence presented by way of pretrial habeas petition. *Cf. Sheriff v. Steward*, 109 Nev. 831, 835, 858 P.2d 48, 51 (1993) (providing that the State's burden to establish probable cause requires presenting at least slight or marginal evidence to support a reasonable inference that the accused committed the offense). Lastly, though the petition purports to seek prohibition relief, Hicks does not argue that the district court acted in excess of its jurisdiction, and the district court here had jurisdiction over Hicks and the criminal case. *See Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) (providing that 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

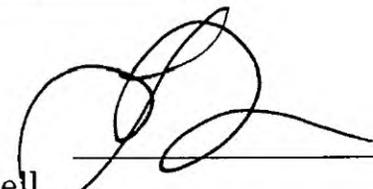
ORDER the petition DENIED.


_____, J.

Herndon


_____, J.

Lee


_____, J.

Bell

cc: Hon. Tara D. Clark Newberry, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk