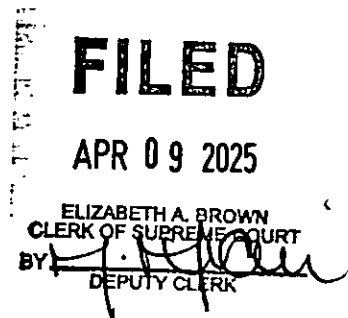


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LORALEI LAZENBY,
Petitioner,
vs.
NEVADA PAROLE COMMISSIONERS;
ERIC CHRISTIANSEN; LAMICIA
BAILEY; SANDY SCHMITT; KELLY
MELLINGER; AND THE STATE OF
NEVADA BOARD OF PAROLE,
Respondents.

No. 90017-COA



ORDER DENYING PETITION

This original petition for a writ of mandamus challenges the Board of Parole Commissioners' denial of parole for Lorelei Lazenby.¹ Lazenby asserts the Board violated her right to due process by relying on an invalid aggravating factor when denying her request for parole.

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). The writ will not issue if the petitioner has a plain, speedy, and adequate alternate remedy in the ordinary course of law. NRS 34.170. Petitions for extraordinary writs

¹To the extent Lazenby alternatively seeks a writ of prohibition or other extraordinary relief, she provides no authority or argument for such relief. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (explaining that this court need not consider issues that are not cogently argued or that lack the support of relevant authority).

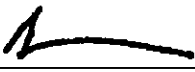
are addressed to the sound discretion of the court, *see State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983), and the “[p]etitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted,” *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Because there is no applicable statutory vehicle through which Lazenby may challenge the Board’s actions, we consider whether the Board’s actions warrant issuance of a writ of mandamus. *See Anselmo v. Bisbee*, 133 Nev. 317, 319, 396 P.3d 848, 850 (2017). “[G]iven its discretionary language, Nevada’s parole statute creates no protectable liberty interest sufficient to invoke the Due Process Clause.” *Id.* at 320, 396 P.3d at 850 (internal quotation marks omitted). However, “eligible Nevada inmates have a statutory right to be considered for parole by the Board,” and “[t]his court cannot say that an inmate receives proper consideration when the Board’s decision is based in part on an inapplicable aggravating factor.” *Id.* at 323, 396 P.3d at 853.

Lazenby contends the Board relied on an aggravating factor: the nature of Lazenby’s criminal record becoming increasingly more serious. In making her argument, Lazenby appears to rely on the version of the guidelines referenced in *Anselmo* and claims the guidelines prohibit application of this factor to a person serving a sentence of life for murder and thus the factor cannot be applied to her. *See id.* at 321-22, 396 P.3d at 852. However, the Board removed the prohibitive language quoted in *Anselmo* when it modified its internal guidelines in November 2016, *see Nevada Parole Guidelines Aggravating and Mitigating Factors Definition Rev -11/2016*, https://parole.nv.gov/uploadedfiles/parolenvgov/content/Information/Aggravating_and_Mitigating_Factors_Definitions.pdf (last

visited March 31, 2025); *2016 Public Workshops & Meetings – Notices, Materials & Results*, [https://parole.nv.gov/Meetings/Public Meetings 2016/](https://parole.nv.gov/Meetings/Public%20Meetings%202016/) (last visited March 31, 2025), and the current guidelines do not contain this prohibitive language, see *Nevada Parole Guidelines Aggravating and Mitigating Factors Definition Rev – April 30, 2024*, [https://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/Aggravating and Mitigating Factors Definitions-1-2018.pdf](https://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/Aggravating%20and%20Mitigating%20Factors%20Definitions-1-2018.pdf) (last visited March 31, 2025). Because Lazenby has not shown the Board based its decision in part on an inapplicable aggravating factor, we conclude our intervention by way of extraordinary relief is not warranted. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Lorelei Lazenby
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk