

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID LEE TURNER,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, DEPARTMENT XXXII, AND
THE HONORABLE CHRISTY L.
CRAIG, DISTRICT COURT JUDGE,
Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 90787

FILED

AUG 15 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

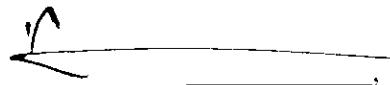
This original petition for a writ of mandamus seeks to compel the district court to adjudicate petitioner David Lee Turner's motion for pretrial release on his own recognizance in a criminal matter.


Having considered Turner's petition, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; *Pan v. Eighth Jud. Dist. Ct.*, 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 Jud. Dist. Ct.*, 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).

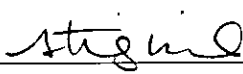
In particular, Turner has not shown that the competency court was obligated to resolve the motion for own-recognizance release on its merits where Turner was then not competent to stand trial. Turner identifies no statute or caselaw providing that the competency court has

such a duty. To the contrary, NRS 178.460(4)(b)-(d) set forth the powers and duties of the court following a finding of incompetence to stand trial, which are governed by the prospect of an incompetent defendant attaining competence. Upon a finding of incompetence, however, the criminal proceedings must be suspended, NRS 178.425(4), along with all other proceedings, NRS 178.405(2). Turner's concern that he may be unable to challenge the conditions of pretrial release because he may not attain competence does not warrant relief because, if there is "no substantial probability of attaining competency in the foreseeable future," the suspended proceedings "must be dismissed." NRS 178.425(5). Turner thus fails to show either a duty the district court did not perform or a manifest abuse of discretion. *See Gonzalez v. Eighth Jud. Dist. Ct.*, 129 Nev. 215, 217, 298 P.3d 448, 449 (2013) ("A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control a manifest abuse of discretion."). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Christy L. Craig, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk