


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES HOWARD HAYES, JR.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 75173

FILED

MAY 15 2018


ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

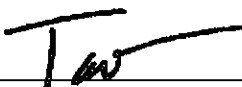
ORDER DENYING PETITION

This is an original petition for a writ of habeas corpus. James Howard Hayes, Jr. asserts he is being unlawfully restrained because insufficient evidence was presented at the preliminary hearing to support a charge for burglary. We decline to exercise our original jurisdiction in this matter. *See* NRAP 22 ("An application for an original writ of habeas corpus should be made to the appropriate district court."); *see also Zobrist v. Sheriff, Carson City*, 96 Nev. 625, 626, 614 P.2d 538, 539 (1980) (indicating this court has discretion to decide whether to entertain an original petition for a writ of habeas corpus and that such petitions raising questions of fact

should be considered "by a tribunal equipped to handle that task").
Accordingly, without reaching the merit of any claims raised, we

ORDER the petition DENIED.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: James Howard Hayes, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this order, we deny Hayes' request for a stay.