

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESUS NAJERA,
Petitioner,

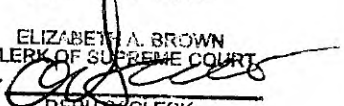
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CRYSTAL ELLER, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 86446

FILED

MAY 8 5 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for writ of habeas corpus or, in the alternative, writ of mandamus challenging a district court order denying a pretrial petition for writ of habeas corpus. Petitioner argues that the district court abused its discretion in finding that the State presented sufficient evidence to a grand jury to support the charge of possession of a controlled substance and seeks dismissal of this count from his indictment.

We have considered the petition, and accompanying documentation, and we conclude that our intervention by extraordinary relief is not warranted. NRS 34.160; *Kussman v. Eighth Judicial Dist. Court*, 96 Nev. 544, 545, 612 P.2d 679, 679-80 (1980) (noting that the decision as to whether to entertain a writ of mandamus lies within the discretion of this court). An original petition for a writ of habeas corpus in this court is not a proper method to challenge the district court's decision to deny a pretrial petition for writ of habeas corpus. See NRAP 22 ("An application for an original writ of habeas corpus should be made to the

appropriate district court.”). Although this court may review a pretrial challenge to the sufficiency of an indictment through a proceeding in mandamus, this method is generally disfavored. *See e.g. Kussman*, 96 Nev. at 546, 612 P.2d at 680 (judicial economy and sound judicial administration generally militate against use of mandamus to review pretrial probable cause determinations). While we have recognized a limited exception to this general rule for purely legal issues, *see e.g. Ostman v. Eighth Judicial District Court*, 107 Nev. 563, 816 P.2d 458 (1991), the challenge to the probable cause determination in this case does not fit within such an exception. Accordingly, we decline to exercise original writ jurisdiction in this matter and

ORDER the petition DENIED.

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Herndon, J.
Herndon

cc: Hon. Crystal Eller, District Judge
The Pariente Law Firm, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk