

IN THE SUPREME COURT OF THE STATE OF NEVADA

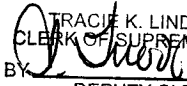
CARL WHITLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56207

FILED

JAN 13 2011

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of indecent exposure. Seventh Judicial District Court, Lincoln County; Steve L. Dobrescu, Judge.

Appellant Carl Whitley contends that the district court abused its discretion by denying his pretrial petition for a writ of habeas corpus after finding good cause existed for holding the preliminary hearing outside the 15-day mandate. Whitley specifically claims that the deliberate underfunding of the justice court, which resulted in a two-month delay in his preliminary hearing, constitutes a conscious indifference to procedural rights and therefore his case should have been dismissed.


When reviewing pretrial orders on appeal, we give deference to the district court's factual findings, but review matters of law and statutory interpretation de novo. See Sheriff v. Marcus, 116 Nev. 188, 192, 995 P.2d 1016, 1018 (2000); Sheriff v. Provenza, 97 Nev. 346, 347, 630 P.2d 265, 265 (1981). Here, the district court denied the pretrial petition after finding that there was adequate good cause for the untimely preliminary hearing and that Whitley was at all times in lawful custody pursuant to a previous judgment of conviction. The record supports the

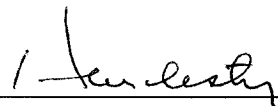
district court's factual findings and we conclude that it did not abuse its discretion by denying Whitley's petition. See NRS 171.196(2) (permitting the magistrate to extend time to conduct preliminary hearing for good cause shown).

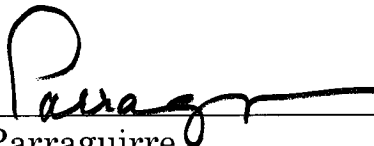
Whitley also contends that NRS 201.220 is unconstitutionally vague and overbroad due to this court's broad construction of the statute and because it subjects persons convicted of indecent or obscene exposure to the sex offender registration requirements of NRS chapter 179D. We have recently determined that NRS 201.220 is neither vague nor overbroad, see State v. Castaneda, 126 Nev. ___, ___, ___, P.3d ___, ___ (Adv. Op. No. 45, November 24, 2010), we note that a statute is neither vague nor overbroad merely because a person convicted under the statute may be subject to the registration requirements of another statute, and we conclude that Whitley has not made a "clear showing of invalidity." See id. at ___, ___ P.3d at ___ (internal quotation marks omitted).

Having considered Whitley's contentions and concluded that he is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steve L. Dobrescu, District Judge
State Public Defender/Carson City
State Public Defender/Ely
Attorney General/Carson City
Attorney General/Ely
Lincoln County Clerk