

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWN THORSON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KENNETH C. CORY, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 57819

FILED

MAR 17 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

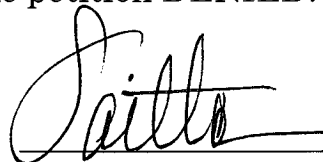
ORDER DENYING PETITION

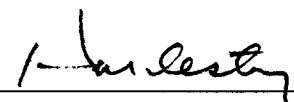
In this original petition for a writ of certiorari, petitioner Shawn Thorson urges review of the district court's denial of a pretrial petition for a writ of habeas corpus, which challenged the justice court's probable cause determination based upon that court's ruling restricting cross-examination of the victim at Thorson's preliminary examination. Thorson was charged with one count of sexual assault of a child under the age of 14 and one count of lewdness with a child. At the preliminary hearing, Thorson attempted to test the victim's memory, credibility, and possible bias when the court, after an objection from the State, foreclosed that line of inquiry. Thorson now claims that this ruling exceeded the justice court's jurisdiction, arguing that Bushnell v. State, 95 Nev. 570, 599 P.2d 1038 (1979), which constrains the district court's discretion in limiting cross-examination on matters of bias at trial, should apply in the context of a preliminary hearing.

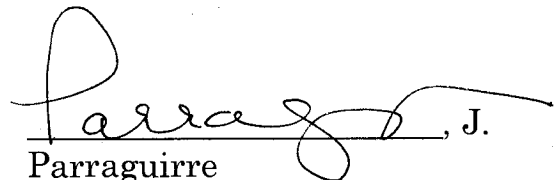
We first note that, because he has not alleged that the district court either exceeded its jurisdiction or passed upon the constitutionality of a statute or ordinance, Thorson's claims are not appropriately raised in a petition for writ of review. NRS 34.020. Second, as to the substance of his claim, a preliminary examination is entirely unlike a trial in that it is limited in nature and scope and its purpose is solely to establish whether "enough evidence [exists] as to support a reasonable inference that the accused committed the offense." Lamb v. Holsten, 85 Nev. 566, 568, 459 P.2d 771, 772 (1969); see State of Nevada v. Justice Court, 112 Nev. 803, 806, 919 P.2d 401, 402 (1996); see also NRS 171.197 (permitting testimony at preliminary hearing by affidavit alone, thereby eliminating all cross-examination); Sheriff v. Witzenburg, 122 Nev. 1056, 1062, 145 P.3d 1002, 1006 (2006) (holding that defendant has no constitutional right to confrontation at preliminary hearing). Therefore, having reviewed the documents on file with this court, we conclude that our intervention by extraordinary writ is not warranted.

Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

¹We also deny Thorson's request to stay the proceedings below.

cc: Hon. Kenneth C. Cory, District Judge
Christina A. DiEdoardo
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk