

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY TYSON,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE ABBI  
SILVER, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 59249

**FILED**

**SEP 23 2011**

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


ORDER DENYING PETITION


This original petition for a writ of mandamus challenges the district court's jurisdiction in a pending criminal case against petitioner Rodney Tyson. Tyson's jurisdiction argument is as follows: Because the criminal case was assigned to a particular justice court department for a preliminary hearing based on a decision by the chief judge of the justice court to assign all domestic violence cases to that department and the chief judge lacked authority to make such an assignment of a category of cases, the justice court department lacked jurisdiction to bind him over to district court and therefore the district court lacks jurisdiction to try him. This argument lacks merit.

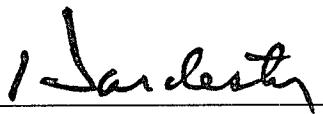
The justice court has jurisdiction to conduct preliminary hearings in felony cases and determine whether the State has shown probable cause to bind the defendant over for trial in the district court. See NRS 171.196; NRS 171.206. The various departments of the justice court have concurrent and coextensive jurisdiction. NRS 4.155.

Regardless of whether the chief judge of the justice court had authority to assign all domestic violence cases to a single department,<sup>1</sup> the justice court had jurisdiction to conduct the preliminary hearing and bind Tyson over for trial in the district court. Once Tyson was bound over for trial and the State filed the information in district court, the district court had jurisdiction to try Tyson on that information. Nev. Const. art. 6, § 6; NRS 4.370(3); NRS 171.206; NRS 173.035. We therefore conclude that our intervention is not warranted. See NRS 34.160 (writ of mandamus is available to compel performance of an act which the law requires as a duty resulting from an office, trust or station). Accordingly, we

ORDER the petition DENIED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Abbi Silver, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We express no opinion as to the propriety of the chief judge's assignment order.

<sup>2</sup>Given our disposition of the petition, the motion for a stay of the district court proceedings is denied as moot.