

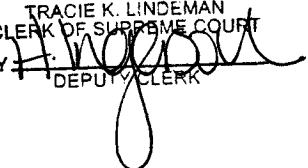
IN THE SUPREME COURT OF THE STATE OF NEVADA

TATIANA JONES,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUG SMITH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 60854

FILED

MAY 15 2012


TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition seeks relief from a material witness warrant. See NRS 178.494. Having reviewed the petition and supporting documents, we conclude that petitioner has not demonstrated that our intervention is warranted. NRS 34.160 (providing that writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station); NRS 34.320 (providing that writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court); see also Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981) (explaining that writ of mandamus is available to

control an arbitrary or capricious exercise of discretion). Accordingly, we
ORDER the petition DENIED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Doug Smith, District Judge
Wendy D. Leik
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We note that under NRS 178.494(2), the district court must “set a schedule for the periodic review of whether the amount of bail required should be modified and whether detention should continue.” During those periodic reviews, the court should consider whether it is still “impracticable to secure” petitioner’s presence by subpoena, NRS 178.494(1), and whether, at that point, petitioner “has been detained for an unreasonable length of time,” NRS 178.494(1)(b).