

IN THE SUPREME COURT OF THE STATE OF NEVADA

WENDY RUDDER,
Petitioner,
vs.
THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
LINCOLN; AND THE HONORABLE
GARY FAIRMAN, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 65142

FILED

MAY 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malme*
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges an order of the district court denying petitioner's pretrial petition for a writ of habeas corpus. Petitioner contends that the State failed to establish probable cause that she was the perpetrator of the crime and that the justice court lacked territorial jurisdiction. A writ of mandamus or prohibition is an extraordinary remedy and it is within the discretion of this court to determine if a petition will be considered. See *Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also *State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983). Our review of a pretrial probable cause determination through an original writ petition is disfavored, see *Kussman v. Eighth Judicial Dist. Court*, 96 Nev. 544, 545-46, 612 P.2d 679, 680 (1980), and petitioner has not demonstrated that her challenge to the probable cause determination fits the exceptions we have made for purely legal issues, see *Ostman v. Eighth Judicial Dist. Court*, 107 Nev.

563, 565, 816 P.2d 458, 459-60 (1991); *State v. Babayan*, 106 Nev. 155, 174, 787 P.2d 805, 819-20 (1990). As to petitioner's jurisdictional claim, she has failed to demonstrate that the justice court lacked territorial jurisdiction. Because we are not satisfied that this court's intervention by way of extraordinary writ is warranted, we deny the petition.

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Gary Fairman, District Judge
Justice Law Center
Attorney General/Carson City
Lincoln County District Attorney
Lincoln County Clerk
Attorney General/Ely