

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD ICE,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 68370

FILED

SEP 11 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

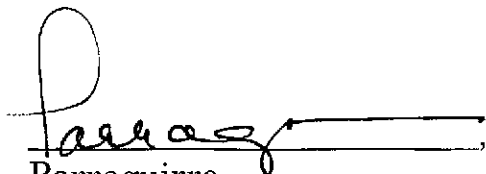
This original petition for a writ of mandamus challenges a district court order denying a pretrial petition for a writ of habeas corpus.¹ Petitioner Gerald Ice contends that the district court erred in rejecting his challenge to the bindover for conspiracy to commit robbery and robbery with the use of a deadly weapon. *See* NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

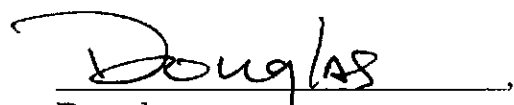
Ice argues that the district court manifestly abused its discretion in denying the pretrial petition because no probable cause was shown to support the robbery-related charges and the robbery and conspiracy-to-commit-robbery statutes as applied to his case violate his

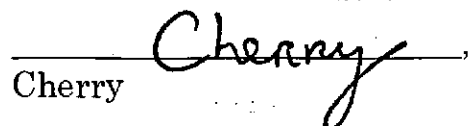
¹In the alternative, petitioner seeks a writ of prohibition. Because the district court had jurisdiction to consider Ice's pretrial habeas petition, a writ of prohibition is inappropriate. *See* NRS 34.320.

right to due process because the statutes are too ambiguous. We decline to exercise our discretion to consider the petition for two reasons. *See State ex rel. Dep't Transp. v. Thompson*, 99 Nev. 358, 662 P.2d 1338 (1983) (explaining that extraordinary writ petitions are addressed to this court's sound discretion), *modified on other grounds by State v. Eighth Judicial Dist. Court*, 118 Nev. 140, 147, 42 P.3d 233, 237 (2002). First, this court generally does not exercise its discretion to entertain a claim concerning a pretrial challenge to the sufficiency of the evidence to support probable cause, *see Kussman v. Eighth Judicial Dist. Court*, 96 Nev. 544, 546, 612 P.2d 679, 680 (1980), and Ice has not demonstrated that his challenge fits within the exception 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). Second, should Ice be convicted, he has an adequate remedy at law by way of an appeal to challenge to the constitutionality of the robbery statutes as they apply to the facts of his case. *See* NRS 34.170. Accordingly, we

ORDER the petition DENIED.


Parraguirre J.


Douglas J.


Cherry J.

cc: Hon. Valerie Adair, District Judge
The Law Offices of Ivette Amelburu Maningo
Palm Law Firm, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk