

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRAVIS SHEFFIELD,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUGLAS W. HERNDON, DISTRICT  
JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 72293

**FILED**

MAR 22 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK


*ORDER DENYING PETITION*


This is an original petition for a writ of habeas corpus. Petitioner Travis Sheffield asserts he is being unlawfully restrained. He claims insufficient evidence was produced to warrant him being bound over to the district court on charges of murder with the use of a deadly weapon, assault with a deadly weapon, and offer or attempt to sell a controlled substance because the witnesses' testimony was confused, contradictory, and inconsistent, and no weapon, ballistics, DNA, or fingerprint evidence was introduced to support the charges. He further asserts that because the kidnapping counts were dismissed, the State should not be permitted to use kidnapping as a theory for the murder count.

We conclude that our intervention by extraordinary writ is not warranted. Initially, we note that Sheffield does not allege he has previously sought and been denied habeas relief in the district court. See NRAP 22 (An application for a petition for a writ of habeas corpus should

be filed in the appropriate district court in the first instance.). Further, although Sheffield cites to the preliminary hearing transcript, he has not provided this court with a copy of that transcript, and he has failed to demonstrate that he is being unlawfully restrained. See NRS 34.360; *Sheriff v. Hodes*, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980) ("The finding of probable cause may be based on slight, even 'marginal' evidence."); *Lamb v. Holsten*, 85 Nev. 566, 568, 459 P.2d 771, 772 (1969) ("The sole function of the [appellate] court is to determine whether all of the evidence received at the preliminary hearing establishes probable cause to believe that an offense has been committed and that defendant committed it."). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

cc: Hon. Douglas W. Herndon, District Judge  
Travis Sheffield  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk