

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TYREE WRIGHT,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RICHARD SCOTTI, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 72939

FILED

AUG 16 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

In this petition for a writ of habeas corpus or, in the alternative, writ of mandamus Tyree Wright seeks an order directing the district court to reset bail in a reasonable amount. Wright asserts the district court manifestly abused its discretion by denying his motion to reduce his five million dollar bail. Wright asserts that his bail, as fixed, violates the Eighth Amendment of the United States Constitution. Having reviewed Wright's arguments and documents submitted, we conclude he has not demonstrated extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.").


The record provided to this court demonstrates the district court conducted a hearing at which Wright was able to present evidence and argument in support of his request for a reduction of his bail.¹ After inquiring into Wright's financial condition, the district court stated it believed Wright posed a serious risk of harm to the community at large and to the victim specifically. The district court also stated it was concerned about the risk of flight. The district court denied the request to reduce bail "[g]iven the severity of the charges, the number of the charges, the heinousness of the alleged crime, [and] the suffering imposed on the victim which gives her a reasonable fear of further suffering if [Wright] were to be released without a serious amount of bail posted."


We conclude Wright has not shown the district court arbitrarily or capriciously exercised or manifestly abused its discretion by denying the motion to reduce bail or that the amount of bail is excessive in violation of the Eighth Amendment. See NRS 34.160; NRS 178.4853 (identifying factors that must be considered when setting the amount of bail); NRS 178.498 (providing bail must be set in an amount that "will reasonably ensure the appearance of the defendant and the safety of the other persons and of the community" and identifying factors that must be considered when setting the amount of bail); *Stack v. Boyle*, 342 U.S. 1, 5 (1951) ("Bail set at a figure higher than an amount reasonably calculated to fulfill this

¹Because Wright was able to present evidence and argument in support of his request to reduce bail, we decline to address Wright's claims regarding the failure to consider all factors when initially setting the amount of bail.

purpose is 'excessive' under the Eighth Amendment."); *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining arbitrary or capricious exercise of discretion and manifest abuse of discretion in the context of a writ of mandamus). Therefore, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Richard Scotti, District Judge
Cofer & Geller, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk