

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT J. CLARKE,

No. 36574

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CLARK, AND THE  
HONORABLE MARK W. GIBBONS, DISTRICT  
JUDGE,

**FILED**

Respondents,

SEP 13 2000

and

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

THE STATE OF NEVADA,

Real Party  
in Interest.

ORDER DENYING PETITION

FOR WRIT OF PROHIBITION

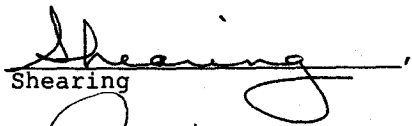
This is a proper person petition for a writ of prohibition challenging an order of the district court granting motions by the State and Lake's Crossing Center for the Mentally Disordered Offender for orders requiring the involuntary medication of petitioner.

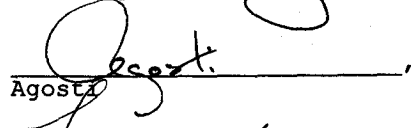
We have reviewed the documents on file with this court, and we decline to intervene. Although petitioner's proper person petition may raise important constitutional issues of first impression relating to due process requirements for forced administration of medication to render a pretrial detainee competent, we conclude that our intervention by extraordinary writ is not warranted at this time. NRS 34.330; see also 42 U.S.C. § 1983. Specifically, we note that petitioner is represented by counsel in the proceedings below, and we trust counsel will evaluate petitioner's situation and take appropriate action on his behalf. Further, the petition raises factual issues which should be presented first in the district court. See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981) (when disputed factual issues are critical to the proper resolution of a request for extraordinary relief, the writ should be sought in the first instance in the district court,

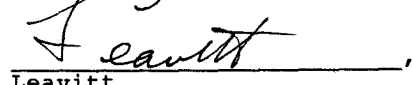
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with appeal from an adverse judgment to this court).<sup>1</sup>  
Accordingly, we deny this petition.

It is so ORDERED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Agosta

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Mark W. Gibbons, District Judge  
Attorney General  
Clark County District Attorney  
Clark County Public Defender  
Violet Radosta, Deputy Public Defender  
Robert J. Clarke  
Clark County Clerk

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<sup>1</sup>We also note that petitioner's challenge to forced medication may be raised on direct appeal from a judgment of conviction. NRAP 3A.

<sup>2</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.