

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CRAIG MICHAEL TITUS,  
Petitioner,

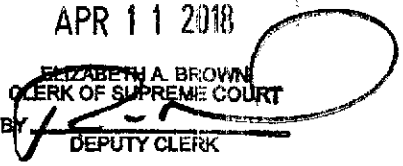
vs.

CONNIE S. BISBEE, CHAIRMAN;  
SUSAN JACKSON; TONY CORDA;  
ADAM ENDEL, COMMISSIONERS;  
AND THE STATE OF NEVADA BOARD  
OF PAROLE,  
Respondents.

No. 74997

**FILED**

APR 11 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of mandamus challenges the Board of Parole Commissioners' denial of parole for Craig Michael Titus. Titus asserts the Board's denial of parole "based on certain immutable characteristics such as the seriousness of the underlying offense violate the Due Process clause," and the Board improperly applied NAC 213.518(2)(K) when it considered him for parole. Titus seeks a writ of mandamus directing the Board to vacate and reverse its denial of his parole and to conduct a new parole hearing.

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). The writ will not issue if the petitioner has a plain, speedy and adequate remedy in the


ordinary course of law. NRS 34.170. Petitions for extraordinary writs are addressed to the sound discretion of the court, *see State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983), and the “[p]etitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted,” *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

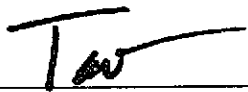
Because there is no applicable statutory vehicle through which Titus may challenge the Board’s actions, we consider whether the Board’s actions warrant issuance of a writ of mandamus. *See Anselmo v. Bisbee*, 133 Nev. \_\_\_, \_\_\_, 396 P.3d 848, 850 (2017). “[G]iven its discretionary language, Nevada’s parole statute creates no protectable liberty interest sufficient to invoke the Due Process Clause.” *Id.* (quotation marks omitted). And “this court generally will not review the evidence supporting a decision of the Board.” *Id.* at \_\_\_, 396 P.3d at 851. However, “eligible Nevada inmates have a statutory right to be considered for parole by the Board,” and “[t]his court cannot say that an inmate receives proper consideration when the Board’s decision is based in part on an inapplicable aggravating factor.” *Id.* at \_\_\_, 396 P.3d at 853.

Because Nevada law clearly allows the Board to deny parole based on the severity of the crime committed, *see* NRS 213.1099(2)(c); NRS 213.10885(2)(a), the Board’s consideration of immutable characteristics such as the severity of Titus’ offense does not warrant mandamus relief. *See Anselmo*, 133 Nev. at \_\_\_, 396 P.3d at 851. Further, Titus has not provided this court with any documentation demonstrating the Board did not follow its internal guidelines or relied on any inapplicable factors when considering him for parole. Therefore, he has not met his burden of

demonstrating he was denied his right to be considered for parole.  
Accordingly, we conclude extraordinary relief is not warranted, and we

ORDER the petition DENIED.

, C.J.  
Silver

, J.  
Tao

, J.  
Gibbons

cc: Craig Michael Titus  
Attorney General/Carson City  
Eighth District Court Clerk