

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DENNIS KELLEY,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CLARK; AND THE HONORABLE

KENNETH C. CORY, DISTRICT

JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 76005

FILED

JUN 07 2018

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

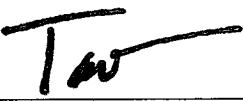
This petition for a writ of mandamus challenges a district court decision, reflected in the minutes, denying a pretrial petition for a writ of habeas corpus.

We are not persuaded that our extraordinary and discretionary intervention is warranted, for two reasons. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). First, petitioner has not provided a written, file-stamped district court order, which in itself precludes our review. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (providing that an oral pronouncement from the bench is not valid for any purpose). Second, petitioner has not met his burden of demonstrating that our intervention is appropriate, given the State's representation in the record that petitioner has been indicted on the same charges by a grand jury in a separate proceeding and petitioner's acknowledgement that the State has consequently sought to dismiss the underlying case per NRS 174.085(5). NRS 34.170; *Pan v. Eighth Judicial*

Dist. Court, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 843-844 (2004)
(providing that petitioner bears the burden of demonstrating that writ relief
is warranted). We therefore

ORDER the petition DENIED.¹


_____, C.J.
Silver


_____, J.
Tao

cc: Hon. Kenneth C. Cory, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioner's emergency motion
for stay.