

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTIAN STEPHON MILES,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 75839

FILED

OCT 12 2018

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

ORDER DENYING PETITION

This original petition for a writ of mandamus and/or prohibition challenges a district court order denying a “Motion to Dismiss Uncorroborated Accomplice Testimony.” Christian Stephon Miles claims the district court exceeded its jurisdiction or manifestly abused its discretion by denying the motion to dismiss.

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). A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court. NRS 34.320. Neither writ will issue if petitioner has a plain, speedy and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. 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).

Below, Miles claimed the victim was an accomplice, and because the victim’s preliminary hearing testimony was uncorroborated, the charges against Miles should be dismissed. The district court denied the motion finding that because the victim could not be charged with the identical offenses as Miles, the victim was not an accomplice as defined by NRS 175.291(2). The district court therefore determined the corroboration required under NRS 175.291(1) did not apply and denied Miles’ motion. We conclude the district court did not manifestly abuse its discretion or exceed its jurisdiction by denying Miles’ motion. Accordingly, we

ORDER the petition DENIED.



C.J.

Silver



J.

Tao



J.

Gibbons

cc: Hon. Jennifer P. Togliatti, District Judge
Christian Stephon Miles
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk