

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DURAND SCHNEIDER; AND
LEILANI TAU-SCHNEIDER,

Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF WASHOE;

AND THE HONORABLE SCOTT N.
FREEMAN, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 80890

FILED

MAY 15 2020


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

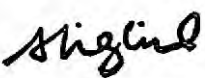
ORDER DENYING PETITION

This petition for a writ of mandamus or prohibition challenges a district court order denying a pretrial petition for a writ of habeas corpus and supplemental pleadings. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of an extraordinary writ is warranted. *See Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) (recognizing that it is within the discretion of this court to determine if a petition will be considered). A writ of prohibition is not available because the district court had jurisdiction over the criminal case and the defendants. *See NRS 34.320; Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) (holding that a writ of prohibition "will not issue if the court sought to be restrained had jurisdiction to hear and determine the matter under consideration"). Further, petitioners have not demonstrated that the district court acted arbitrarily or capriciously in denying the pretrial petition and supplemental pleadings. NRS 34.160; *State v. Eighth Judicial*

Dist. Court (Armstrong), 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011)
(recognizing that an arbitrary or capricious exercise of discretion is one that
is contrary to the evidence or established rules of law). Accordingly, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Scott N. Freeman, District Judge
Carter R. King
Richard F. Cornell
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk