

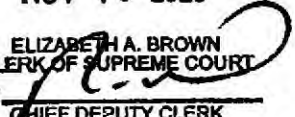
IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR ROBERT ANTHONY-SMITH,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE CRISTINA D.
SILVA, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 81122

FILED

NOV 13 2020

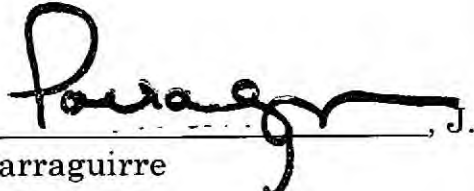
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

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. Petitioner argues that NRS 171.196(6) violates his due process rights and should not have applied to a conspiracy count. We conclude that our intervention by extraordinary relief is not warranted because petitioner did not present cogent substantive and procedural due process arguments and because NRS 171.196(6) applies to conspiracy to commit sexual assault. NRS 34.160; *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (providing that a district court arbitrarily and capriciously exercises its discretion when it fails to follow clearly established law); *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 for extraordinary relief will be considered); *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (recognizing that 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, or to control an arbitrary or capricious exercise of discretion); *see also Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Further, a writ of prohibition is not available because the district court had jurisdiction over the criminal case and the defendant. *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”). Accordingly, we

ORDER the petition DENIED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Cadish

cc: Hon. Cristina D. Silva, District Judge
James J. Ruggeroli
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk