

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

OMAR TERRELL TAYLOR,  
Petitioner,  
vs.  
SUSAN JACKSON; TONY CORDA;  
MARY BAKER; DONNA VERHIO,  
COMMISSIONERS; AND THE STATE  
OF NEVADA BOARD OF PAROLE,  
Respondents.

No. 82409-COA

**FILED**

**FEB 25 2021**

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

*ORDER DENYING PETITION*

This original petition for a writ of mandamus challenges the Board of Parole Commissioners' denial of parole for Omar Terrell Taylor. Taylor asserts the Board violated his right to due process by relying on an invalid factor and incorrect facts when it denied his request for parole. Taylor relies on the Nevada Supreme Court's decision in *Anselmo v. Bisbee*, 133 Nev. 317, 396 P.3d 848 (2017), to support his claims.

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 Taylor may challenge the Board's actions, we consider whether the Board's actions warrant issuance of a writ of mandamus. *See Anselmo*, 133 Nev. at 319, 396 P.3d at 850. "[G]iven its discretionary language, Nevada's parole statute creates no protectable liberty interest sufficient to invoke the Due Process Clause." *Id.* at 320, 396 P.3d at 850 (internal quotation marks omitted). 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 323, 396 P.3d at 853.


First, Taylor asserts the Board improperly concluded he is an active gang member. Taylor does not assert that the consideration of whether someone is a gang member is improper. He merely challenges the evidence in support of this factor as it applies to him. Because this court generally refrains from reviewing the evidence in support of the Board's decision, *id.* at 320, 396 P.3d at 851, we conclude our intervention by way of extraordinary relief is not warranted on this issue.

Second, Taylor asserts that the Board relied on an aggravating factor in violation of *Anselmo*: the nature of Taylor's criminal record becoming increasingly more serious. *Anselmo* discussed an older version of the guidelines for this aggravating factor that had prohibited its application where, like Taylor, the person was serving a life sentence for murder. *See id.* at 321-22, 396 P.3d at 852. However, the application of this factor was not improper because the Board removed the prohibitive language quoted in *Anselmo* when it modified its internal guidelines in November 2016. *See Nevada Parole Guidelines Aggravating and Mitigating Factors Definitions*, <http://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/Aggra>

vating and Mitigating Factors Definitions.pdf (last visited February 22, 2021); <http://parole.nv.gov/Meetings/Public Meetings 2016/> (last visited February 22, 2021). Accordingly, we conclude our intervention by way of extraordinary relief is not warranted on this issue.

For the foregoing reasons, we  
ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Omar Terrell Taylor  
Attorney General/Carson City