

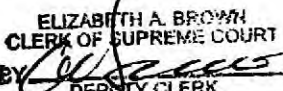
IN THE SUPREME COURT OF THE STATE OF NEVADA

JAYSHAWN BAILEY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE MICHELLE
LEAVITT, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 82310

FILED

MAR 09 2021

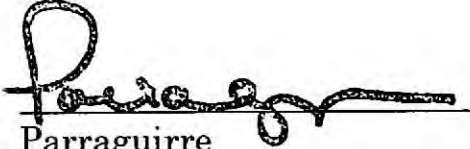
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This petition for a writ of a mandamus, or alternatively, writ of prohibition challenges a district court order denying a pretrial petition for a writ of habeas corpus in which petitioner alleged that the medical examiner gave improper expert testimony at the preliminary hearing. We conclude that our intervention by extraordinary relief is not warranted because our review of pretrial probable cause determinations is generally disfavored, *see Kussman v. Eighth Judicial Dist. Court*, 96 Nev. 544, 545-46, 612 P.2d 679, 680 (1980), and because the appendix does not include the transcript of the hearing on the petition filed in district court, *see NRAP 21(a)(4)* (“The appendix shall include . . . parts of the record before the respondent judge . . . that may be essential to understand the matters set forth in the petition”); *see also NRS 34.160; Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) (recognizing that it is within this court’s discretion to determine if a petition for extraordinary relief will be considered). 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.
Stiglich

 _____, J.
Silver

cc: Hon. Michelle Leavitt, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk