

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARLEO EARL DAVIS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MICHAEL VILLANI, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 82271

FILED

MAY 07 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER GRANTING MOTION TO DISMISS

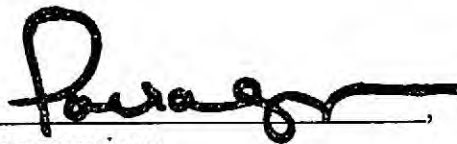
This original petition seeks a writ of mandamus directing the district court to issue an order excluding certain accomplice testimony. Real party in interest has filed a motion to dismiss the petition, arguing that the petition has been rendered moot by the district court's arraignment of petitioner under a superseding indictment. Petitioner has opposed the motion, and real party in interest has filed a reply.


As this court's duty is to resolve justiciable controversies, we generally may not render opinions on writ petitions that are moot. *Degraw v. Eighth Judicial Dist. Court*, 134 Nev. 330, 332, 419 P.3d 136, 139 (2018); *City of Reno v. Second Judicial Dist. Court*, 58 Nev. 325, 78 P.2d 101 (1938). A case is moot if it "seeks to determine an abstract question which does not rest upon existing facts or rights." *NCAA v. Univ. of Nev., Reno*, 97 Nev. 56, 58, 624 P.2d 10, 11 (1981). "Cases presenting real controversies at the time of their institution may become moot by the happening of subsequent

events.” *Degraw*, 134 Nev. at 332, 419 P.3d at 139 (quoting *NCAA*, 97 Nev. at 58, 624 P.2d 11).

Here, attempting to entertain this petition would require us to resolve abstract questions. This is evident because the petition pertains to an indictment that has been superseded by another indictment. Although petitioner contends that the new indictment does not fundamentally change the substance of his petition, he does not dispute that he is no longer being held under the indictment that he is implicitly challenging in his petition. Accordingly, without reaching the merits of the petition, we grant real party in interest’s motion to dismiss the petition as moot.

It is so ORDERED.¹


_____, J.
Parraguirre


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Michael Villani, District Judge
Hofland & Tomsheck
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this order, we deny real party in interest’s motion for enlargement of time and motion to transmit exhibits under NRAP 30(d).