

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEREK JOHNSTON,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARY KAY HOLTHUS, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 83589

FILED

OCT 11 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
B.   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This emergency, original petition for a writ of mandamus challenges the district court's decision to hold petitioner without bail pending an evidentiary hearing on alleged violations of his conditions of supervised pretrial release. On October 8, 2021, we directed an expedited answer to the petition, which real party in interest timely filed.

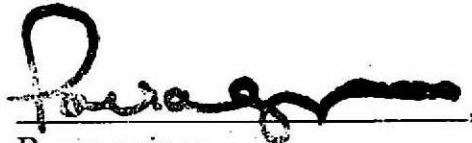
Having reviewed the petition, answer, and supporting documents,<sup>1</sup> we conclude that petitioner has not demonstrated that extraordinary writ relief is appropriate at this time. NRS 34.160; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioner bears the burden to demonstrate that writ relief

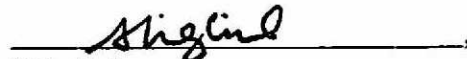
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<sup>1</sup>To the extent that real party in interest asks that any body cam footage and JAVS recordings provided to this court be stricken, we deny the request as moot, as none were provided by petitioner or viewed by this court.

is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). In particular, the evidentiary hearing before which petitioner seeks release is scheduled to take place today, and thus, under these circumstances, we decline to intervene. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Mary Kay Holthus, District Judge  
Legal Resource Group  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk