

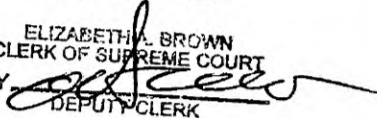
IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT TELLES,  
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. 86958

FILED

SEP 14 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS*

This original pro se petition for a writ of mandamus challenges district court proceedings regarding a motion to compel discovery and a district court order denying a motion to recuse the district court judge in a criminal proceeding.

Petitioner Robert Telles asks this court to direct the Eighth Judicial District to assign his case to another district judge on the basis of judicial bias, to direct the district court to grant a motion to compel production of certain evidence, and to issue an advisory opinion regarding a defendant's ability to subpoena third parties without a prior court order. Having considered Telles' petition, supplemental petition, and supporting documents, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004)

(stating that an appeal is generally an adequate legal remedy precluding writ relief and recognizing that petitioner bears the burden of demonstrating that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d. 849, 851 (1991) (observing that issuance of the writ is subject to this court's discretion).

In particular, Telles' allegations of judicial bias primarily arise from the district judge's *Faretta*<sup>1</sup> canvass after Telles asserted that he wanted to represent himself. The record shows that the district judge conducted a thorough and appropriate canvass and did not exhibit antagonism toward or bias against Telles. *Cf. Hooks v. State*, 124 Nev. 48, 54, 176 P.3d 1081, 1084 (2008) (recognizing the importance of a thorough *Faretta* canvass). Accordingly, he has not shown that the chief judge of the judicial district was obligated to reassign the case. *See Canarelli v. Eighth Judicial Dist. Court*, 138 Nev. 104, 110, 506 P.3d 334, 339 (2022) ("When the alleged bias or question of partiality arises from a judge's exercise of her duties, the party seeking the judge's disqualification must show that the judge has formed an opinion displaying deep-seated favoritism or antagonism toward the party that would prevent fair judgment."); *see also Ham v. Eighth Judicial Dist. Court*, 93 Nev. 409, 416, 566 P.2d 420, 424 (1977) (observing that a judge should preside over a case unless prevented from doing so by a proper reason).

As to the motion to compel production, we note that the district court has ruled on the motion and thus Telles' allegation in the original petition that it has not acted is belied by the record. As to the challenge to the district court's handling of the discovery motion as developed in both

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<sup>1</sup>*Faretta v. California*, 422 U.S. 806 (1975).

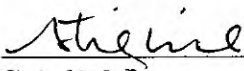
the original and supplemental petitions, Telles has an adequate remedy by way of direct appeal—should he be convicted—for any other claim of discovery error. *See Valley Health Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. 167, 171, 252 P.3d 676, 678-79 (2011) (recognizing that mandamus is generally not available to challenge discovery orders—with exceptions not alleged here).


Telles argues that we should entertain the petition because it presents an important issue of law requiring clarification, arguing that he has a right to issue subpoenas duces tecum to third parties without first obtaining a court order. This petition, however, presents a poor vehicle by which to consider this argument. Competing privilege and security interests here have led to parallel ongoing civil litigation and a preliminary injunction regarding and a protocol governing the search of seized materials purportedly containing protected information. *See State v. Las Vegas Review-Journal, Inc.*, Nos. 85553, 85634, 2023 WL 4752143 (Nev. July 21, 2023) (Order Dismissing Appeals and Cross-Appeal in Part, Reinstating Expedited Briefing, and Granting Stay) (discussing the litigation regarding the injunction and the protocol, dissolving the protocol, and reinstating briefing). The underlying proceedings thus involve discovery orders tailored to these circumstances that are both highly fact-specific and subject to the resolution of separate appellate litigation. In light of the complexity of discovery proceedings in the ongoing district court civil and criminal cases, the review of any discovery-related claims will benefit from the development of a complete trial record, weighing against the exercise of our discretionary intervention. And insofar as Telles requests advisory mandamus to clarify the scope of the subpoena statutes, we similarly decline to exercise our


extraordinary intervention given that the matter will benefit from a complete record.

Accordingly, we

ORDER the petition DENIED.<sup>2</sup>

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

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Bell

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

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<sup>2</sup>Given our disposition, we deny Telles' September 12, 2023, motion to stay the district court proceedings.