


IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMMAL PATRICK DUNWAR,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NADIA KRALL, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 89293

FILED

FEB 14 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying a pretrial petition for a writ of habeas corpus. Having considered petitioner Jammal Patrick Dunwar's petition, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition).

Dunwar asserts that the justice court erred in continuing the preliminary hearing because the State failed to show sufficient good cause for the continuance, in violation of the procedural jurisdiction requirements of *Hill v. Sheriff*, 85 Nev. 234, 452 P.2d 918 (1969), and *Bustos v. Sheriff*, 87 Nev. 622, 491 P.2d 1279 (1971). Dunwar argues that the district court

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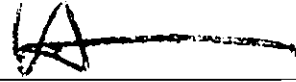
therefore manifestly erred in not granting his habeas petition and dismissing the criminal complaint.

A preliminary hearing must be held within 15 days of arraignment unless the State demonstrates good cause for a continuance. NRS 171.196(2); *McNair v. Sheriff*, 89 Nev. 434, 436, 514 P.2d 1175, 1176 (1973); *Bustos*, 87 Nev. at 624, 491 P.2d at 1280; *Hill*, 85 Nev. at 235, 452 P.2d at 919. The good-cause showing can be satisfied by an affidavit that describes the name and location of an absent witness, the diligence used to secure the witness's presence, a summary of the absent witness's expected testimony and if other witnesses can prove the same facts, when the prosecution first learned the witness would not appear, and a statement that the continuance was sought in good faith and not for delay. *Hill*, 85 Nev. at 235-36, 452 P.2d at 919. In certain time-sensitive circumstances, the good-cause showing may be satisfied by presenting sworn testimony that complies with *Hill*. *Bustos*, 87 Nev. at 624, 491 P.2d at 1280-81.

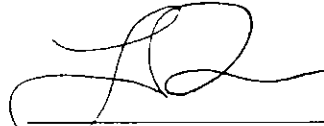
At the time of the scheduled preliminary hearing, the deputy district attorney (DDA) requested a continuance based on the non-appearance of an essential witness: the undercover officer who Dunwar was alleged to have approached and unlawfully induced to continue to engage in prostitution. The DDA provided sworn testimony conveying that the subpoenaed witness informed the DDA that morning the witness was sick and could not attend the hearing. Further, the DDA identified the witness's last name and police identification number, explained that the DDA had personally subpoenaed the witness and the witness was aware that they had been subpoenaed, and explained that the witness's testimony was necessary to establish the essential facts of the charged offense. Under the circumstances here, the sworn testimony substantially complied with

Bustos and Hill. We therefore conclude that Dunwar has not shown that writ relief is warranted. Accordingly, we

ORDER the petition DENIED.



_____, C. J.
Herndon



_____, J.
Bell



_____, J.
Stiglich

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