

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
KAILYN EVON WEBB,
Respondent.

No. 92237

FILED

MAY 14 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal by the State from a district court order granting a pretrial petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.


The State charged respondent Kailyn Webb with open murder after Webb allegedly stabbed and killed a man during an altercation. Webb filed a pretrial petition for a writ of habeas corpus arguing the State had failed to establish probable cause for murder, which the district court granted.

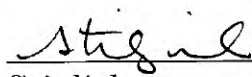
“A district court’s decision to grant a pretrial habeas petition for lack of probable cause will stand absent a showing of substantial error.” *State v. Devries*, 140 Nev., Adv. Op. 82, 561 P.3d 42, 45 (2024) (citation modified). “A finding of probable cause may be based on slight, even marginal evidence because it does not involve a determination of the guilt or innocence of an accused.” *Id.* “If the State meets its burden to show probable cause that the defendant committed the charged crime, it is substantial error for a district court to grant a pretrial habeas petition.” *Id.* at 46.

¹We conclude that this appeal may be resolved on the record and that briefing and oral argument are unnecessary. *See* NRS 34.575(3).

In granting Webb's petition, the district court concluded the State failed to present slight or marginal evidence of premeditation, willfulness, and deliberation as required for first-degree murder, or malice as required for second-degree murder. First and second degree murder "are not separate and distinct crimes which must be pleaded accordingly." *Sheriff v. Willoughby*, 97 Nev. 90, 92, 624 P.2d 498, 498-99 (1981). "Thus, there need not be evidence of first degree murder to support an open murder charge." *Id.* at 92, 624 P.2d at 499. Further, "the state is not required to negate all inferences which might explain [the defendant's] conduct, but only to present enough evidence to support a reasonable inference that [the defendant acted] with the [requisite] intent to kill the victim." *Sheriff v. Hodes*, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980). Here, the State presented evidence that Webb entered a fight with the victim during which the victim was stabbed twice. Webb then fled. This supports a rational inference that Webb acted with the intent necessary to support an open murder charge. Thus, we conclude slight or marginal evidence supports probable cause on the open murder charge, and the district court erred by granting the habeas petition. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish

cc: Hon. Tierra Danielle Jones, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Eighth District Court Clerk