

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK; AND THE
HONORABLE DONALD M. MOSLEY,
DISTRICT JUDGE,

Respondents,

and

KENT GENE DRY,
Real Party in Interest.

No. 56656

FILED

NOV 05 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of prohibition or mandamus challenges a district court's order reversing a judgment of conviction. Real party in interest Kent Dry was convicted in the justice court of battery constituting domestic violence. Dry appealed to the district court, claiming insufficient evidence supported his conviction. The district court agreed and reversed. In its petition, the State alleges that the district court's decision was error so egregious that extraordinary relief is warranted.

This court will not entertain a writ petition that requests review of a district court decision when that court is acting in its appellate capacity "unless the district court has improperly refused to exercise its jurisdiction, has exceeded its jurisdiction, or has exercised its discretion in an arbitrary or capricious manner." State of Nevada v. Dist. Ct., 116 Nev. 127, 134, 994 P.2d 692, 696-97 (2000). We are unpersuaded that the district court's determination that insufficient evidence supported Dry's

conviction was an arbitrary exercise of discretion or in excess of the court's jurisdiction. District courts have final appellate jurisdiction over cases arising in justice court. Nev. Const. art. 6, § 6. Moreover, the purpose of the writ is not to correct lower-court decisions that may be, as here, error. State v. Dist. Ct. (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Given these standards, we decline to intervene in this matter. Accordingly, we deny the petition. See NRAP 21(b).

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Donald M. Mosley, District Judge
Clark County District Attorney
Clark County Public Defender
Eighth District Court Clerk