

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56678

FILED

JUL 14 2011

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant David Miller's petition for a writ of prohibition. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Miller contends that the Reno justice court did not have jurisdiction to preside over his case because he was charged with violating provisions in the Washoe County Code (WCC) for acts occurring within Reno city limits and therefore the Reno municipal court had jurisdiction. Miller claims that a writ of prohibition must issue to prevent the sentence imposed by the justice court from taking effect.¹ We disagree.

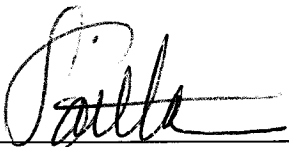
A writ of prohibition may issue if a lower court acts in excess of its jurisdiction, NRS 34.320; Goicoechea v. District Court, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980), and only when there is no plain, speedy, and adequate remedy at law, NRS 34.330. We conduct de novo review of a district court's grant or denial of a writ petition when it involves questions

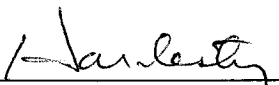
¹Miller was convicted of violating WCC 55.460 (animal at large) and WCC 55.750 (dangerous dog), both misdemeanors, and the justice court stayed imposition of the sentence.

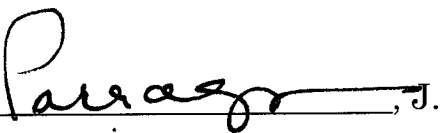
of statutory construction. See Koller v. State, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

Here, the district court found that NRS 4.370(3) provided the justice court with jurisdiction over Miller's misdemeanor violations of the WCC. See NRS 4.370(4) ("[T]he jurisdiction of justices of the peace extends to the limits of their respective counties."); see also NRS 5.050(2) (municipal courts have jurisdiction over misdemeanor violations "of the ordinances of their respective cities") (emphasis added). The district court also found that Miller failed to demonstrate that the Interlocal Agreement between Washoe County and the City of Reno regarding the consolidation of animal control services was invalid. See generally NRS 277.103; NRS 277.180(1), (3)(f); Reno Municipal Code Chapter 8.28. We agree and conclude that the district court did not err by denying Miller's petition for a writ of prohibition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Jill I. Greiner, Settlement Judge
Hager & Hearne
Washoe County District Attorney/Civil Division
Washoe District Court Clerk