

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CLARK; AND THE HONORABLE

DONALD M. MOSLEY, DISTRICT
JUDGE,

Respondents,

and

TIMOTHY HADDEN,

Real Party in Interest.

No. 57030

FILED

DEC 13 2010

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

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges the district court's order reversing a conviction and dismissing a complaint. The City of Las Vegas charged real party in interest Timothy Hadden with DUI, citing to, and using language from, both NRS 484.379 (now codified as NRS 484C.110) and LVMC 11.14 (the City's DUI ordinance) in the same count. After proceedings in the municipal court, Hadden appealed to the district court, which found that because the City charged Hadden under both the statute and the ordinance, the complaint did not give Hadden sufficient notice of which charge he was to defend against and was therefore unconstitutionally vague. The district court reversed the conviction and dismissed the complaint without prejudice.

In its petition, the City alleges that the district court's decision was a manifest abuse of discretion warranting extraordinary relief. A district court has final appellate jurisdiction over cases arising in

municipal courts, see Nev. Const. art. 6, § 6; Tripp v. City of Sparks, 92 Nev. 362, 550 P.2d 419 (1976), and “if a district court takes jurisdiction of an appeal and acts, its acts are not subject to review through a petition for a writ of mandamus.” Pan v. Dist. Ct., 120 Nev. 222, 227, 88 P.3d 840, 843 (2004). Here, because the district court acted on Hadden’s appeal and did not transcend its jurisdiction, we conclude that our intervention by way of extraordinary relief is unwarranted.

Accordingly, we

ORDER the petition DENIED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Las Vegas City Attorney
Law Offices of John G. Watkins
Eighth District Court Clerk