

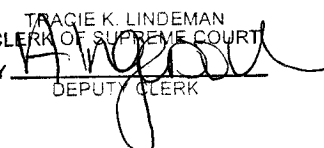
IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS LOVELADY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELISSA F. CADISH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 62088

FILED

DEC 12 2012


TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

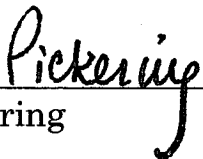
ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioner's motion to re-sentence him. Petitioner argues that the district court manifestly abused its discretion by refusing to fairly and fully consider evidence presented in support of the motion, instead summarily denying the motion, and by misapprehending controlling authority that permitted the district court to consider his proffered evidence in ruling on the motion. Having considered the petition and supporting documents, we conclude that petitioner failed to demonstrate that the district court manifestly abused its discretion or acted arbitrarily and capriciously, see NRS 34.160; State v. Dist. Ct. (Armstrong), 127 Nev. ___, ___, 276 P.3d 777, 779-80 (2011), or

exceeded its jurisdiction, see NRS 34.320, by denying his motion to resentence. Accordingly, we

ORDER the petition DENIED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Elissa F. Cadish, District Judge
Potter Law Offices
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk