

IN THE SUPREME COURT OF THE STATE OF NEVADA

REX COLLINS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE ROB
BARE, DISTRICT JUDGE,
Respondents,
and
THE CITY OF LAS VEGAS,
Real Party in Interest.

No. 63548

FILED

DEC 17 2013

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of certiorari, prohibition, or mandamus challenges the district court's order affirming petitioner's misdemeanor convictions for driving under the influence, possession of marijuana, and possession of drug paraphernalia. Petitioner argues that the district court erred by dismissing his appeal because the City failed to establish beyond a reasonable doubt that his offenses occurred within the city limits, he possessed marijuana, and he was under the influence of marijuana. Petitioner further indicates that the district court erred when it passed on the constitutionality of the prohibited substance statute.

The district courts have final appellate jurisdiction in cases arising in municipal court; therefore, the only remedy available to an appellant is a timely petition for a writ of certiorari filed pursuant to NRS 34.020(3). *City of Las Vegas v. Carver*, 92 Nev. 198, 198-99, 547 P.2d 688, 688 (1976); see generally *State of Nevada v. Eighth Judicial Dist. Court (Hedland)*, 116 Nev. 127, 134, 994 P.2d 692, 696-97 (2000). "A writ of

certiorari is an extraordinary remedy and the decision to entertain a petition for a writ of certiorari lies within the discretion of this court.” *Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987). NRS 34.020(3) provides that a writ of certiorari may be granted where a person has been prosecuted for violating a statute or municipal ordinance, an appeal has been taken from a justice court or municipal court, and on appeal, the district court has “passed upon the constitutionality or validity of such statute or ordinance.”

The limited record provided for our review indicates that petitioner argued on appeal in the district court that NRS 484.379(3) (recodified at NRS 484C.110(3)) is unconstitutionally void for vagueness because it fails to list the psychoactive ingredients in marijuana that are prohibited and identify the levels of those ingredients that are proscribed. We have previously determined that NRS 484.379(3) is not void for vagueness, *Williams v. State*, 118 Nev. 536, 546-47, 50 P.3d 1116, 1123 (2002), and we conclude that petitioner has failed to make a clear showing that this statute is unconstitutional, see *Silvar v. Eighth Judicial Dist. Court*, 122 Nev. 289, 292, 129 P.3d 682, 684 (2006).

Because petitioner has not demonstrated that our review by certiorari is warranted, we

ORDER the petition DENIED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cherry, J.
Cherry

cc: Hon. Rob Bare, District Judge
Mueller Hinds & Associates
Las Vegas City Attorney
Eighth District Court Clerk