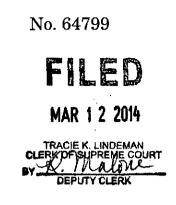
## IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, 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 AMY GIATTINO, Real Party in Interest.



## ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order vacating the real party in interest's justice court conviction for driving under the influence (DUI). Petitioner argues that the district court manifestly abused or arbitrarily or capriciously exercised its discretion because it failed to adhere to applicable appellate standards in vacating the real party in interest's justice court DUI conviction and ordering a new trial. District courts have final appellate jurisdiction in cases arising in municipal court, Nev. Const. art. 6, § 6; *City of Las Vegas v. Carver*, 92 Nev. 198, 198, 547 P.2d 688, 688 (1976), and generally, "we have declined to entertain writs that request review of a decision of the district court 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," *see State v. Eighth Judicial Dist. Court (Hedland)*, 116 Nev. 127, 134, 994 P.2d 692, 696-97 (2000). Because petitioner has not shown that

SUPREME COURT OF NEVADA the district court manifestly abused its discretion or exercised its discretion in an arbitrary or capricious manner or that there is jurisdictional defect, we

ORDER the petition DENIED.

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J. Douglas

\_\_\_\_, J. Cherry

cc: Hon. Rob Bare, District Judge Attorney General/Carson City Clark County District Attorney Law Offices of John G. Watkins Eighth District Court Clerk

SUPREME COURT OF NEVADA