

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.

No. 64799

FILED

MAR 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

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

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.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, 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