

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLAYTON ANDREW TURPIN,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JESSIE ELIZABETH WALSH,  
DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 66315

FILED

SEP 18 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER DENYING PETITION*

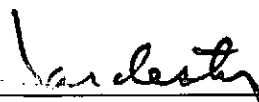
This original petition for a writ of mandamus challenges an order of the district court denying petitioner's motion to modify bail. Petitioner argues that the district court has violated his constitutional right to reasonable bail by refusing to eliminate house arrest as a condition of bail because he is an active duty Marine and it is impossible for an active duty Marine to meet the house arrest condition.

"A writ of mandamus is an extraordinary remedy, and therefore, the decision to entertain the petition lies within our discretion. Such a writ is available only to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station." *Winkle v. Foster*, 127 Nev. \_\_\_, \_\_\_, 269 P.3d 898, 899 (2011) (citation and internal quotation marks omitted). "[It] will not lie to control discretionary action, unless discretion is manifestly abused or exercised arbitrarily or capriciously." *Round Hill Gen. Improvement Dist. v.*

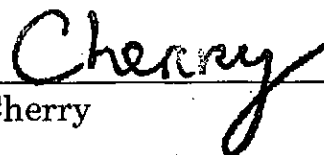
*Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (citation omitted); see also *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. \_\_\_, \_\_\_, 267 P.3d 777, 780 (2011) (defining manifest abuse and arbitrary or capricious exercise of discretion in context of mandamus). It will not issue if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of the law. NRS 34.170. "Petitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted." *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and its accompanying documents, we are not satisfied that our intervention by way of extraordinary writ is warranted. The district court's imposition of reasonable conditions on bail is a discretionary act, and petitioner has not demonstrated that the district court manifestly abused its discretion by refusing to modify the condition placed on his bail. See NRS 178.484(11) (the court may impose reasonable conditions before releasing a person on bail but must consider the factors listed in NRS 178.4853 when determining whether a condition is reasonable). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Anthony L. Abbatangelo  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk