

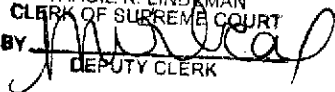
IN THE SUPREME COURT OF THE STATE OF NEVADA

ROYCE WIJESEKERA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JEROME T. TAO, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 66895

FILED

JAN 15 2015

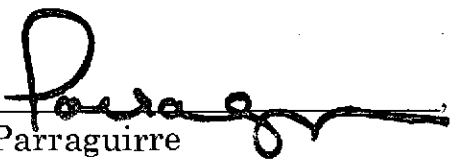
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER DENYING PETITION

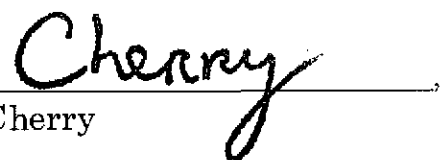
This original petition for a writ of mandamus or prohibition challenges a district court order allowing the State to file an information by affidavit to add sentence enhancements for each of the charged offenses. In particular, petitioner argues that the district court manifestly abused its discretion by granting the State's motion to secure an information by affidavit pursuant to NRS 173.035(2) for the purpose of curing a violation of his procedural rights. He also complains that motion should not have been granted because the State failed to satisfy the statutory requirements of NRS 173.035(2). Having considered the petition, the State's answer, and the documents before us, we conclude that petitioner has not demonstrated that the district court manifestly abused its discretion, *see State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. ___, ___, 267 P.3d 777, 780 (2011) (defining manifest abuse of discretion and arbitrary or capricious exercise of discretion in context of mandamus), as other legal authority supported amending the information

to include the sentence enhancements, *see* NRS 173.095 (providing that an information may be amended at any time before the verdict or finding “if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced”); *Phipps v. State*, 111 Nev. 1276, 1279, 903 P.2d 820, 822 (1995) (observing that oral amendments to a complaint or information are permissible “where they are detailed and specific and are eventually memorialized”). Accordingly, we

ORDER the petition DENIED.


Parraguirre J.


Douglas J.


Cherry J.

cc: Chief Judge, Eighth Judicial District Court, Dept. 20
Pitaro & Fumo, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk