

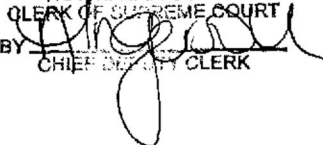
IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDY E. ANDERSON,  
 Petitioner,  
 vs.  
 THE FIRST JUDICIAL DISTRICT  
 COURT OF THE STATE OF NEVADA,  
 IN AND FOR THE COUNTY OF  
 CARSON CITY; AND THE  
 HONORABLE JAMES TODD RUSSELL,  
 DISTRICT JUDGE,  
 Respondents,  
 and  
 THE STATE OF NEVADA,  
 Real Party in Interest.

No. 67340

**FILED**

MAR 11 2015

TRACIE K. LINDEMAN  
 CLERK OF SUPREME COURT  
 BY   
 CHIEF DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of certiorari challenges the district court's order affirming petitioner Randy Anderson's misdemeanor convictions for obstructing, resisting, or delaying a police officer and disorderly conduct. Petitioner argues that the district court erred in concluding that Carson City Municipal Code (CCMC) § 8.04.010 is not unconstitutionally vague and overbroad and that CCMC §§ 8.04.010 and 8.04.050 are not unconstitutional as applied to him.

The district courts have final appellate jurisdiction in cases arising in municipal court; therefore, the only remedy available to a misdemeanor-defendant 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 also State 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

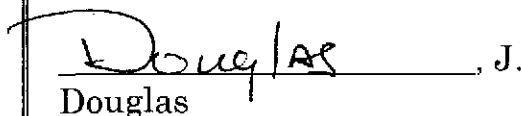
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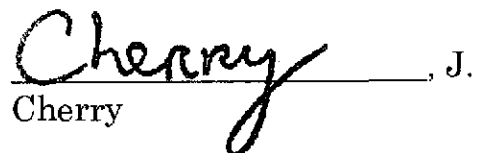
petition for a writ of certiorari lies within the discretion of this court.” *Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987). NRS 34.020(3) provides that a writ of certiorari may be granted where a person has been prosecuted for violating a statute or municipal 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.”

While there is no specific time limit within which a petition for a writ of certiorari must be filed, an extraordinary writ is subject to the equitable doctrine of laches. See *Buckholt v. Second Judicial Dist. Court*, 94 Nev. 631, 633, 584 P.2d 672, 673 (1978), overruled on other grounds by *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 88 P.3d 840 (2004). We conclude that the fourteen-month delay in the filing of the instant petition is excessive and warrants imposition of the doctrine of laches especially where, as here, petitioner asks for his convictions to be overturned. Accordingly, we

ORDER the petition DENIED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Cherry

cc: Hon. James Todd Russell, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk