

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARCI KEY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE TIMOTHY C.
WILLIAMS, DISTRICT JUDGE,

Respondents,
and

THE STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES,
Real Party in Interest.

No. 70357

FILED

DEC 16 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

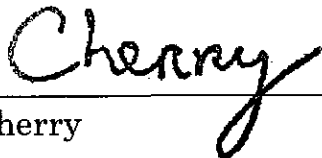
*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

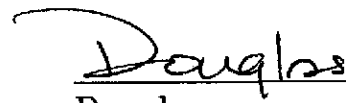
This original petition for a writ of mandamus or prohibition challenges a district court order granting a petition for judicial review and remanding in a driver's license revocation matter.


Having reviewed the petition and supporting documents, we conclude that our extraordinary intervention is not warranted. NRS 34.160 (mandamus scope); NRS 34.320 (prohibition scope); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioner bears the burden to demonstrate that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner has not demonstrated that the district court acted arbitrarily and capriciously or exceeded its jurisdiction when it remanded the matter to the administrative agency for a new hearing to cure a violation of petitioner's right to confront a declarant. NRS 233B.135(3) (allowing the district court to remand on consideration of

a petition for judicial review); *see, e.g., Ramirez v. State*, 114 Nev. 550, 563, 958 P.2d 724, 732 (1998) (remanding for a new trial upon determining that appellant's Confrontation Clause rights were violated). Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Douglas


_____, J.
Gibbons

cc: Hon. Timothy C. Williams, District Judge
The Hayes Law Firm
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk