

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICARDO FUENTES, JR.,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
JEROME M. POLAHA, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 72041

FILED

FEB 23 2017

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


ORDER DENYING PETITION

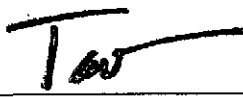
This petition for a writ of mandamus asks this court to disqualify Washoe County prosecutor Adam Cate and the Washoe County District Attorney from further proceedings; invalidate the \$60,000 bail set by the district court and restore the \$15,000 bail set by the Reno justice court; and dismiss the criminal complaint pending for identical offenses for which Ricardo Fuentes, Jr. was indicted, or grant Fuentes his right to a preliminary examination on that complaint. Fuentes asserts that improper, unauthorized, and prohibited *ex parte* communication between prosecutor Cate and the district court judge resulted in the increase in his bail and an improper stay of the justice court proceedings.

Having reviewed Fuentes' arguments and the documents submitted, we conclude petitioner has not demonstrated that extraordinary relief is warranted. See NRAP 21(b); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is

warranted.”). Fuentes has not shown that the district court arbitrarily or capriciously exercised or manifestly abused its discretion. See NRS 34.160; *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining arbitrary or capricious exercise of discretion and manifest abuse of discretion in the context of a writ of mandamus); see also NRS 173.175 (“When the indictment . . . is for a felony and the defendant before the filing thereof has given bail for the defendant’s appearance to answer the charge, the court in which the indictment . . . is presented . . . may order the defendant to be committed to actual custody unless the defendant gives bail in an increased amount, to be specified in the order.”); NRS 178.499(1) (“At any time after a district or Justice Court has ordered bail to be set at a specific amount, and before acquittal or conviction, the court may upon its own motion or upon motion of the district attorney and after notice to the defendant’s attorney of record, . . . increase the amount of bail for good cause shown.”); NRPC 3.5(b); *Sheriff, Washoe Cty. v. Dhadda*, 115 Nev. 175, 183-84, 980 P.2d 1062, 1067 (1999). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Jerome M. Polaha, District Judge
Martin H. Wiener
Washoe County District Attorney/Civil Division
Attorney General/Carson City
Washoe District Court Clerk