

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE LUIS DIAZ,  
Petitioner,  
vs.  
THE FIRST JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CARSON CITY; AND THE  
HONORABLE JAMES E. WILSON,  
DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 76152

**FILED**

JUL 20 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK


*ORDER DENYING PETITION*

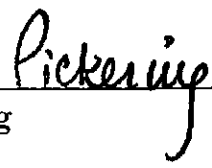
This original petition for a writ of certiorari challenges the district court's decision on appeal from a misdemeanor conviction in justice court. Because petitioner has not identified an issue within the scope of our review on a petition for a writ of certiorari, we decline to entertain the petition.

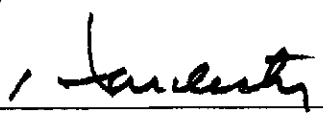
Our review on a petition for a writ of certiorari is limited to two circumstances. The first circumstance is where a petition alleges that the district court acted without or in excess of its jurisdiction. NRS 34.020(2); *Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) ("This court has often stated that the inquiry upon a petition for a writ of certiorari is limited to whether the inferior tribunal acted in excess of its jurisdiction."). Because the district court had final appellate jurisdiction over the judgment entered by the justice court, Nev. Const. art. 6, § 6; *Waugh v. Casazza*, 85 Nev. 520, 521, 458 P.2d 359, 360 (1969), it cannot be said that the district court exceeded its jurisdiction. See

*Goicoechea*, 96 Nev. at 289, 607 P.2d at 1141 (“If it is determined that the act complained of was within the jurisdiction of the tribunal, our inquiry stops even if the decision or order was incorrect.”). The second circumstance in which we may entertain a petition for a writ of certiorari is in a case that was prosecuted in justice or municipal court for the violation of a statute or ordinance and the district court on appeal passed on the constitutionality or validity of that statute or ordinance. NRS 34.020(3); *Cornella v. Churchill Cty. Justice Court*, 132 Nev., Adv. Op. 58, 377 P.3d 97, 100 (2016) (entertaining petition under NRS 34.020(3) in case where petitioner was prosecuted in justice court for violating a statute and alleged that the statute was unconstitutionally vague). Here, the issue presented to this court and to the district court on appeal goes to the sufficiency of the evidence to support the misdemeanor conviction, not the constitutionality or validity of the statute. Because petitioner has not asserted an issue that falls within the scope of our review on a petition for a writ of certiorari, we

ORDER the petition DENIED.

  
Gibbons, J.

  
Pickering, J.

  
Hardesty, J.

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