

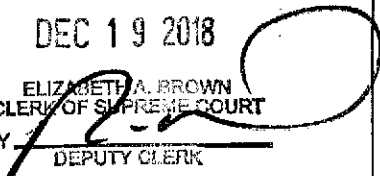
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRYSTAL MARIE MOONEYHAN,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
EGAN K. WALKER, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 77467-COA

FILED

DEC 19 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying a motion for own recognizance release.

Chrystal Marie Mooneyhan is charged with attempted murder with the use of a deadly weapon, mayhem with the use of a deadly weapon, and domestic battery with the use of a deadly weapon resulting in substantial bodily harm. She claims the district court manifestly abused its discretion by basing its refusal to release her or reduce her bail on her risk of flight, the potential penalties for the charges, and the likelihood of a conviction. Her trial is set for January 22, 2019.

“A writ of mandamus is an extraordinary remedy, and therefore, the decision to entertain the petition lies within our discretion. Such a writ is available only to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station.” *Winkle v. Foster*, 127 Nev. 488, 490-91, 269 P.3d 898, 899 (2011) (citation and internal quotation marks omitted). “[It] will not lie to control

discretionary action, unless discretion is manifestly abused or exercised arbitrarily or capriciously.” *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (citation omitted); *see also State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931, 267 P.3d 777, 780 (2011) (defining manifest abuse and arbitrary or capricious exercise of discretion in context of mandamus). “Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.” *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

The record provided for our review demonstrates the district court conducted a hearing on Mooneyhan’s motion. It considered Mooneyhan’s argument and the State’s argument. And it determined that neither an own-recognizance release nor a bail reduction were appropriate given the nature of the charges, the level of violence alleged, and the possibility of a mandatory prison sentence. This record does not suggest the district court abused its discretion, and we conclude extraordinary relief is not warranted. Accordingly, we

ORDER the petition DENIED.



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Hon. Egan K. Walker, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk