

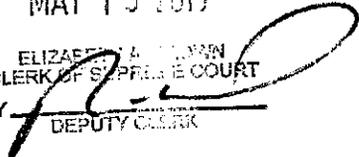
IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID CHARLES RADONSKI,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF WASHOE;
AND THE HONORABLE KATHLEEN M.
DRAKULICH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 78406

FILED

MAY 15 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

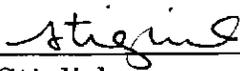
ORDER DENYING PETITION

This petition for a writ of mandamus challenges a district court order denying a motion to modify bail. We are not satisfied that this court's intervention by way of an extraordinary writ is warranted because petitioner has not demonstrated that the district court acted arbitrarily and capriciously in denying the motion to modify bail. *See* NRS 34.160; *see also State v. Eighth Judicial Dist. Court (Zogheib)*, 130 Nev. 158, 161, 321 P.3d 882, 884 (2014) (recognizing that a writ of mandamus "will not serve to control the proper exercise of [] discretion or to substitute the judgment of this court for that of the lower tribunal" (quoting *Collier v. Legakes*, 98 Nev. 307, 310, 646 P.2d 1219, 1221 (1982))); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that a petitioner bears the burden of demonstrating that extraordinary relief is warranted); *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining an arbitrary and capricious exercise of discretion as "one founded on prejudice or preference rather than

reason, or contrary to the evidence or established rules of law" (internal citations and quotations omitted)). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Kathleen M. Drakulich, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk