

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.
JUSTICE COURT, LAS VEGAS
TOWNSHIP; AND THE HONORABLE
JOSEPH S. SCISCENTO, JUSTICE OF
THE PEACE,
Respondents,
and
MICHAEL PAGLIA,
Real Party in Interest.

No. 79104

FILED

AUG 06 2019

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

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This original petition for a writ of mandamus or prohibition challenges a justice court oral order granting a motion for the return of seized property.

Having reviewed petitioner's petition and supporting documentation, we conclude that our extraordinary intervention is not warranted. See NRS 34.160; *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931, 267 P.3d 777, 779-80 (2011) (recognizing that a writ petition is addressed to this court's sole discretion and that a writ of mandamus may issue to control only a manifest abuse of discretion or an arbitrary or capricious exercise of discretion); *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); see also *United States v. Mitchell*, 324 F. App'x 264, 265 (4th Cir. 2009) (recognizing that determining a motion to return property,

brought under the federal analog to NRS 179.085, is within the district court's discretion).¹ Accordingly, we

ORDER the petition DENIED.

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Joseph S. Sciscento, Justice of the Peace
Attorney General/Carson City
Clark County District Attorney
Chesnoff & Schonfeld
Las Vegas Justice Court

¹We note that, although petitioner also sought a writ of prohibition, petitioner did not argue that the justice court lacked or had exceeded its jurisdiction. See NRS 34.320. And as an additional basis for denying writ relief, petitioner to date has failed to provide this court with a written copy of the justice court order it challenges. See NRAP 21(a)(4).