

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN L. CAMP,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 70207

FILED

JUN 17 2016

TRACHE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus¹ asks this court to order the district court to set bail in an amount not to exceed \$300,000.

“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) (internal citation and quotation marks omitted). “[It] will not lie to control discretionary action, unless discretion is manifestly abused or is exercised arbitrarily or capriciously.” *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (internal citation

¹Petitioner also seeks a writ of prohibition. Because petitioner does not contend that the district court exceeded its jurisdiction, a writ of prohibition is not appropriate. *See* NRS 34.320.

16-19036

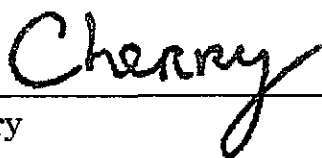
omitted); *see also State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining manifest abuse and arbitrary or capricious exercise of discretion in context of mandamus). The petitioner carries the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Having considered the petition and its accompanying documents, we are not satisfied that our intervention by way of extraordinary writ is warranted. *See Nev. Const. art. 1, § 7* (stating that bail may be restricted for defendants charged with murder) *see also NRS 178.498* (listing factors for consideration when setting bail); *NRS 178.4853* (listing factors for consideration when setting bail). Accordingly, we

ORDER the petition DENIED.



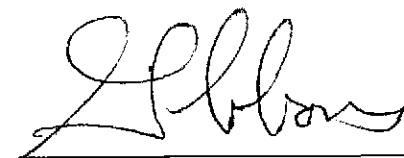
J.

Douglas



J.

Cherry



J.

Gibbons

cc: Hon. Michelle Leavitt, District Judge
Hofland & Tomsheck
Kuzemka Law Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk