

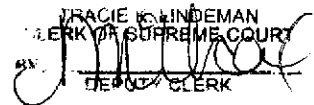
IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMANS BOWLES,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUGLAS SMITH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 70120

FILED

JUN 10 2016

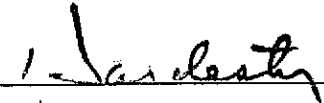
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

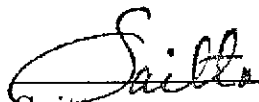
ORDER DENYING PETITION


This is a petition for a writ of mandamus. Petitioner seeks an order directing the district court to reverse its decision to deny a motion to strike the State's notice of intent to seek habitual criminal adjudication and an order directing the recusal of the district court judge. Based upon our review of the documents submitted in this matter, we conclude that our intervention by extraordinary writ is not warranted. *See* NRS 34.160; NRS 34.170; *see also Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (recognizing that "[a] writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion") (internal footnote omitted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ of mandamus is discretionary). The district court did not arbitrarily and capriciously exercise its discretion in continuing sentencing based on its calendar or in denying the motion to strike the notice of habitual criminal adjudication in

the circumstances presented in this case. Further, the district court did not act arbitrarily and capriciously in denying the motion to recuse. Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Saitta


_____, J.
Pickering

cc: Hon. Douglas Smith, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk