


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT ANTHONY TOTMAN,
Petitioner,
vs.
SPARKS JUSTICE COURT,
Respondent.

No. 79477-COA

FILED

NOV 25 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS*

This is a petition for mandamus relief that seeks to compel the Sparks Justice Court to file a criminal complaint submitted by petitioner.

A writ of mandamus is available to compel the performance of an act the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether such a petition will be considered rests within our sound discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). And it is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and supporting documents, we conclude that petitioner has not demonstrated that our extraordinary intervention is warranted. *See id.* Indeed, petitioner has pointed to no

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authority demonstrating that a court clerk is required to file a private criminal complaint, thereby bypassing the normal channels for making and filing such a complaint. Accordingly, we decline to exercise our discretion and issue the relief requested in this matter, *Smith*, 107 Nev. at 677, 818 P.2d at 851, and we therefore deny the petition. NRAP 21(b)(1).

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Robert Anthony Totman
Attorney General/Carson City