


IN THE SUPREME COURT OF THE STATE OF NEVADA

SERGEY MKHITARYAN,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 80727

FILED

APR 15 2020

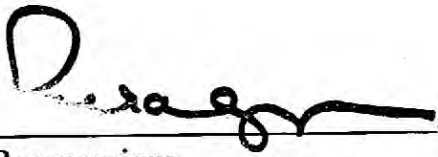
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

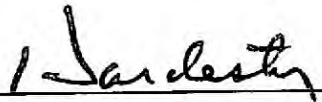
ORDER DENYING PETITION

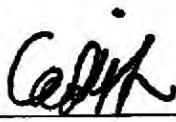
This original petition for a writ of mandamus, or alternatively, a writ of prohibition challenges the denial of a renewed motion to dismiss an indictment. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of an extraordinary writ is warranted at this time. *See Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) (recognizing that it is within the discretion of this court to determine if a petition will be considered). A writ of prohibition is not available because the district court had jurisdiction to hear and consider the motion. *See NRS 34.320; Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) (holding that a writ of prohibition "will not issue if the court sought to be restrained had jurisdiction to hear and determine the matter under consideration"). And petitioner has not demonstrated that the district court acted arbitrarily and capriciously in denying the renewed motion to dismiss the indictment. NRS 34.160; *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (providing that a district court arbitrarily

and capriciously exercises its discretion when it fails to follow clearly established law); *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (recognizing that a writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station, or to control an arbitrary or capricious exercise of discretion). Accordingly, we

ORDER the petition DENIED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Cadish

cc: Hon. Valerie Adair, District Judge
Clark Hill PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk