


IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERTO ANTONIO RIVERA,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
CRYSTAL ELLER, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 83013

**FILED**

SEP 16 2021

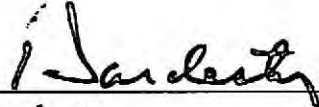
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of mandamus challenges a March 4, 2020, district court order rescinding its January 23, 2020, order vacating a misdemeanor conviction and remanding for a jury trial. Having considered petitioner's argument and the supporting documents, we conclude that our extraordinary and discretionary intervention is not warranted. See NRS 34.160; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioner bears the burden of demonstrating that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d. 849, 851 (1991) (observing mandamus serves to compel an act that the law requires and that issuance of the writ is subject to this court's discretion). In particular, *Andersen v. Eighth Judicial District Court*, 135 Nev. 321, 448 P.3d 1120 (2019), and *Hildt v. Eighth Judicial District Court*, 137 Nev., Adv. Op. 12, 483 P.3d 526 (2021), are distinguishable. The petitioners in those cases had requested jury trials and were improperly denied them, while petitioner here made no

such request. *See Hildt*, 137 Nev., Adv. Op. 12, 483 P.3d at 528; *Andersen*, 135 Nev. at 321, 448 P.3d at 1122; *cf.* NRS 175.011(2) (permitting a misdemeanor defendant to request a jury rather than a bench trial). Petitioner therefore has not shown that the district court was compelled to vacate the misdemeanor conviction so as to warrant mandamus relief. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Hardesty

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, Sr.J.  
Gibbons

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

---

<sup>1</sup>The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.