

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABDURLHMAN OMAIR ALOMAIR,
Petitioner,

vs.

JUSTICE COURT IN AND FOR THE
TOWNSHIP OF GOLDFIELD,
ESMERALDA COUNTY; AND
HONORABLE JUANITA COLVIN,
JUSTICE OF THE PEACE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 66511

FILED

OCT 15 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus challenging a justice court order denying a motion to dismiss a criminal complaint. Petitioner filed a motion to dismiss in the justice court on the grounds that the State failed to comply with discovery obligations, exculpatory evidence has been lost, destroyed, or improperly handled, proper protocols were not used in a search of his vehicle, his bail was unreasonable, and the prosecutor committed misconduct. The justice court denied the motion to dismiss, concluding that it lacked jurisdiction to consider the motion because its authority was limited to determining probable cause. This original writ petition followed.

Petitioner appears to argue that the justice court manifestly abused its discretion by summarily denying his motion to dismiss and by

allowing the State to file an untimely opposition thereby depriving him of the opportunity to adequately review and respond to the opposition. Justice courts are “courts of limited jurisdiction and have only the authority granted by statute.” *Parsons v. State*, 116 Nev. 928, 933, 10 P.3d 836, 839 (2000); *see Koller v. State*, 122 Nev. 223, 227, 130 P.3d 653, 655 (2006). They “have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute.” NRS 4.370(3). We have interpreted the jurisdiction of justice courts to include the authority to consider a motion to dismiss a felony complaint for violations of NRS 178.620 (the Interstate Agreement on Detainers) and NRS 171.070, *see Koller*, 122 Nev. at 225, 228, 130 P.3d at 654, and justice courts have jurisdiction to conduct preliminary examinations in felony complaints, *see* NRS 171.196. However, nothing in our jurisprudence or the statutes indicates that justice courts have jurisdiction to consider the matters raised in petitioner’s motion to dismiss, *see, e.g., State v. Justice Court of Las Vegas Twp. (Richmond)*, 112 Nev. 803, 806, 919 P.2d 401, 402 (1996) (concluding that justice court lacked jurisdiction to order discovery in preliminary hearing), and petitioner has not provided any relevant authority substantiating the justice court’s jurisdiction in that regard. As to his complaint regarding the State’s opposition, petitioner has provided no authority indicating that the opposition was untimely filed such that it should have been stricken as petitioner requested. Moreover, petitioner suffered no prejudice in this regard because the justice court lacked jurisdiction to consider the motion. Because petitioner has failed to demonstrate that the justice court manifestly abused its discretion by

denying his motion to dismiss, *see* NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981), we

ORDER the petition DENIED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. Juanita Colvin, Justice of the Peace
Robert P. Bettinger
Attorney General/Carson City
Esmeralda County District Attorney
Esmeralda County Clerk