

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
KATHLEEN E. DELANEY, DISTRICT  
JUDGE,  
Respondents,  
and  
JOHN DOUGLAS CHARTIER,  
Real Party in Interest.

No. 76936-COA

**FILED**

DEC 19 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION*


This original petition for a writ of mandamus seeks an order directing the district court to vacate an evidentiary hearing and the May 21, 2018, order granting real party in interest John Douglas Chartier's motion for reconsideration. The State contends the district court acted in an arbitrary and capricious manner when it reconsidered its previous order denying Chartier's postconviction habeas petition.

Having considered the State's petition, we are not satisfied this court's intervention by way of extraordinary relief is warranted. *See* NRS 34.160; *see also Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted."); *Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) ("Mandamus is an

extraordinary remedy, and the decision as to whether a petition will be entertained lies within the discretion of this court.”). Accordingly, without deciding upon the merits of any claims raised, we

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

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

cc: Hon. Linda Marie Bell, Chief Judge  
Hon. Kathleen E. Delaney, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Jean J. Schwartzner  
Hofland & Tomsheck  
Eighth District Court Clerk

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<sup>1</sup>In light of our disposition, Chartier’s motions to file an answer are denied as moot.