


IN THE SUPREME COURT OF THE STATE OF NEVADA

BILLY LOREN GILLIAM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86588

FILED

NOV 13 2023

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying an appeal from a justice court decision denying an application for attorney fees. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

When initial review of this appeal revealed a potential jurisdictional defect, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, the district court has final appellate jurisdiction over a case arising in the justice court. Nev. Const. art 6, § 6; *Waugh v. Casazza*, 85 Nev. 520, 521, 458 P.2d 359, 360 (1969).

In response, appellant asserts that because the application for fees should have been treated as a civil action within the original jurisdiction of the district court, this court's appellate jurisdiction is proper. We disagree. Appellant filed an appeal of the justice court's decision in a criminal case. He did not file a civil action in the district court.¹ Therefore, it does not appear that the order is appealable as a final judgment in a civil

¹It appears that after filing the appeal in the criminal case in the district court, appellant argued that the matter should be treated as a civil action. But the district court rejected that argument and concluded the matter was properly styled as a criminal appeal in a misdemeanor case.

action. See NRAP 3A(b)(1) (allowing an appeal from a final judgment in a civil action). Moreover, as the underlying case arose in the justice court, the district court has final appellate jurisdiction. Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.²


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Mary Kay Holthus, District Judge
McAvoy Amaya & Revero, Attorneys
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Appellant's request that this court treat the appeal as a petition for a writ of mandamus or prohibition is denied.