

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREE STOJANOVIC,
Petitioner,

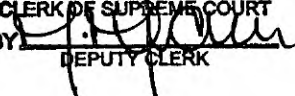
vs.

LAS VEGAS TOWNSHIP JUSTICE
COURT; AND JUDICIAL OFFICER
PRO TEMPORE JUDGE LUCINDA L.
COUMOU,
Respondents.

No. 87603

FILED

FEB 15 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus challenging justice court proceedings pursuant to a traffic citation for speeding.¹ Petitioner Andree Stojanovic argues that the justice court erred in resolving the matter without honoring a request for a jury trial. Having considered Stojanovic's argument and the supporting documents, we conclude that our extraordinary and discretionary intervention is not warranted. See NRS 34.160; NRS 34.170; *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.*

¹Although the petition also seeks a writ of prohibition, it includes no cogent argument suggesting that the respondent court lacked jurisdiction over the matter before it. See *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"); cf. *Aftercare of Clark Cty. v. Justice Court of Las Vegas Twp.*, 120 Nev. 1, 3 & n.2, 82 P.3d 931, 932 & n.2 (2004) (providing mandamus relief to a party erroneously denied a jury trial and recognizing that mandamus rather than prohibition is the appropriate vehicle).

Court, 107 Nev. 674, 677, 818 P.2d. 849, 851 (1991) (observing that issuance of the writ is subject to this court's discretion).


While a direct appeal generally provides an adequate remedy for a claim of an improper denial of a jury trial and Stojanovic had an appeal to district court, this court may entertain such a challenge on writ petition when the issue would otherwise evade our review. *Amezcuca v. Eighth Judicial Dist. Court*, 130 Nev. 45, 47-48, 319 P.3d 602, 603-04 (2014), *superseded by statute on other grounds as stated in Andersen v. Eighth Judicial Dist. Court*, 135 Nev. 321, 448 P.3d 1120 (2019). NRS 484A.7041(4) provides that a proceeding to resolve a contested citation for speeding "must be conducted by the court without a jury." Nevertheless, Stojanovic argues there is a right to a jury trial for a civil traffic infraction under Article 1, Section 3 of the Nevada Constitution, which provides that "[t]he right of trial by Jury shall be secured to all and remain inviolate forever." That provision protects jury rights as they existed at common law when the Nevada Constitution was adopted in 1864. *Cheung v. Eighth Judicial Dist. Court*, 121 Nev. 867, 870, 124 P.3d 550, 553 (2005). Thus, whether there is a right to a jury trial in a given proceeding is a purely historical determination. *Id.* Stojanovic has not shown that there was a right to a jury trial in 1864 for a speeding violation or that speeding is analogous to an offense for which there was then a jury trial right. *See In re Parental Rights as to M.F.*, 132 Nev. 209, 215, 371 P.3d 995, 999 (2016) (concluding that there was no jury trial right in a termination-of-parental-rights proceeding, given that "no such action existed in 1864, and since termination of parental rights actions were created in 1975, the Legislature has not conferred the right to a jury trial in such proceedings, despite ample opportunity to do so"); *cf. Aftercare of Clark Cty. v. Justice Court of Las*

Vegas Twp., 120 Nev. 1, 10, 82 P.3d 931, 936 (2004) (Gibbons, J., dissenting) (recognizing that it is also proper to look to whether an action is analogous to one for which a jury trial right existed at the enactment of this state's constitution).

Next, Stojanovic's arguments that the justice court improperly denied a motion to compel discovery and improperly considered officer notes appended to the citation do not warrant mandamus relief. As the justice court's interlocutory ruling was reviewable upon appeal from the final judgment and the district court upheld the justice court on appeal, those claims are not properly raised in a subsequent mandamus petition. See *Pan*, 120 Nev. at 227, 88 P.3d at 843 ("[I]f a district court takes jurisdiction of an appeal and acts, its acts are not subject to review through a petition for a writ of mandamus."); *State v. Eighth Judicial Dist. Court (Hedland)*, 116 Nev. 127, 134, 994 P.2d 692, 696 (2000) ("[D]istrict courts have final appellate jurisdiction over cases arising in justice[] court."). Accordingly, we

ORDER the petition DENIED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

cc: Hon. Lucinda L. Coumou, Pro Tem
The Maridon Law Firm, LLC
Las Vegas Township Justice Court Clerk