

1 party aggrieved by a decision of the Court of Appeals may file a petition
2 for review with the clerk of the Supreme Court. The petition must state
3 the question(s) presented for review and the reason(s) review is
4 warranted. Supreme Court review is not a matter of right but of judicial
discretion.

5 In Kay v. Nunez, 122 Nev. 1100, 146 P.3d 801(2006), this Court discussed what
6 constitutes an “aggrieved party” for the purposes of appeal.
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8 We now address a threshold issue raised by Nunez and the Board: whether
9 Kay had standing to seek judicial review. The Board and Nunez argue that Kay
10 lacked standing to challenge the Board's decision in district court because he was
11 not “aggrieved” under NRS 278.3195(4). They assert that he was required to show
12 either a “special or peculiar” injury not suffered by the public as a whole or an
13 adversely and substantially affected property right and that he failed to do so.
14 Although we have required a “special or peculiar injury” in the context of street
15 ~~vacations~~ and have *defined* an “aggrieved party” for general appellate purposes
16 as one whose personal or property right has been “adversely and substantially
17 affected,”¹ the Legislature has substituted its own **definition** of “aggrieved” for
18 purposes of local zoning and land use planning decisions (emphasis added) 146
19 P.3d at 805-06. Respondent’s rights have not been adversely or substantially
20 affected. The government won the appeal. Therefore, under NRAP40B(a) and
21 Kay, the State is not a “party aggrieved” by the Appellate Court, so the State does
22 not have standing to seek review.
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CONCLUSION

Based on the foregoing, Respondent's Motion to Strike the State's Petition for Review by this court should be granted.

DATED this 18th day of March, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Norman J. Reed
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 18th day of March, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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