

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAURIE SIKORA,
Petitioner,

vs.

THE JUSTICE COURT OF CANAL
TOWNSHIP, IN AND FOR THE
COUNTY OF LYON AND THE
HONORABLE ROBERT J. BENNETT,
JUSTICE OF THE PEACE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 43793

FILED

AUG 30 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION AND
STAYING JUSTICE COURT PROCEEDING


This original petition for a writ of mandamus or prohibition challenges an order of justice court denying petitioner's motion to dismiss a pending misdemeanor charge on double jeopardy grounds. Having reviewed the petition and the attached documentation, we are not persuaded that this court's intervention in the justice court proceedings by way of extraordinary writ is warranted in the first instance.


We further conclude, however, that petitioner should present her petition to the district court in the first instance, where the involuntary manslaughter charge was tried. Should the district court deny the petition, petitioner may then appeal that adverse ruling to this court. This procedure will not only provide this court with the benefit of the district court's findings and conclusions respecting the factual and

legal matters at issue in the petition, but will also provide this court with a more complete record for purposes of review.¹

Accordingly, although we deny the instant petition, we stay the justice court proceedings at issue for a period of thirty days from the date of this order in order to provide petitioner with an adequate opportunity to present her petition to the district court.²

It is so ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. David A. Huff, District Judge
Hon. Robert J. Bennett, Justice of the Peace
Steve E. Evenson
Lyon County District Attorney
Lyon County Clerk

¹See, e.g., Hardin v. Griffin, 98 Nev. 302, 646 P.2d 1216 (1982).

²We deny petitioner's motion requesting this court to order transcripts to be prepared at State expense. Petitioner may renew this motion in the district court.