

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY W. MCCUNN,
Petitioner,

vs.

JUSTICE COURT OF INCLINE
VILLAGE CRYSTAL BAY TOWNSHIP,
IN AND FOR WASHOE COUNTY, AND
THE HONORABLE H. F. AHLSEDE,
JUDGE PRO TEM,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 44044

FILED

OCT 20 2004

ANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *A. Bloom*
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges an oral ruling of the justice's court denying a motion to disqualify the justice of the peace pro tem in criminal proceedings wherein petitioner was found guilty of domestic battery. Petitioner also seeks an emergency stay of the sentencing scheduled for October 22, 2004.

Having reviewed the petition and the supporting documentation, we are not persuaded that this court's intervention is warranted at this time. In particular we note that petitioner has failed to demonstrate that an appeal to the district court from the judgment of conviction and sentence will not provide petitioner with "a plain, speedy and adequate remedy in the ordinary course of law." See NRS

34.170; NRS 34.330. Accordingly, we deny the petition and the emergency motion for a stay.

It is so ORDERED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. H.F. Ahlswede, Judge Pro Tem
King & Taggart, Ltd.
Washoe County District Attorney Richard A. Gammick
Justice's Court Clerk