

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS GAULE,
Appellant,
vs.
THE HONORABLE CEDRIC A. KERNS,
JUDGE OF THE LAS VEGAS
MUNICIPAL COURT AND CITY OF
LAS VEGAS,
Respondents.

No. 44319

FILED

FEB 03 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellant Thomas Gaule's petition for a writ of mandamus or certiorari. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On October 18, 2004, Gaule filed a petition for a writ of mandamus or in the alternative a writ of certiorari, "restraining order and/or other available remedy apply-able" in the district court. The district court denied Gaule's petition on November 15, 2004. This appeal followed.

In his petition, Gaule sought dismissal of a misdemeanor citation issued to him for violating Las Vegas municipal ordinances relating to improperly stored vehicles, arguing that the municipal court lacked subject matter jurisdiction. However, Gaule has a plain, speedy and adequate remedy in the ordinary course of law by way of an appeal should he be convicted.¹

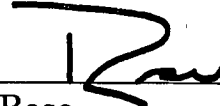
¹See NRS 34.020; NRS 34.170.

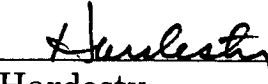
It also appears that Gaule claimed that the City of Las Vegas lacked probable cause to issue the citation. However, we have declined to address such a claim in a writ of mandamus.²

Accordingly, we conclude that the district court did not err in denying Gaule's petition and we

ORDER the judgment of the district court AFFIRMED.

 _____, C.J.
Becker

 _____, J.
Rose

 _____, J.
Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge
Thomas Gaule
Las Vegas City Attorney
Clark County Clerk

²See Hardin v. Griffin, 98 Nev. 302, 646 P.2d 1216 (1982); Kussman v. District Court, 96 Nev. 544, 612 P.2d 679 (1980).