

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEBBY KRIEGH D/B/A BAIL LADY
BAIL BONDS,
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE,
AND THE HONORABLE ROBERT W.
LANE, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 45225

FILED

AUG 11 2005

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

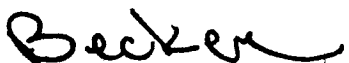
This original petition for a writ of mandamus or, alternatively, a writ of prohibition challenges a district court order dismissing appellant's appeal from a justice's court order declaring that the Pahrump Justice's Court will no longer accept bail bonds from petitioner. Petitioner has requested a stay and has filed a motion to expedite this court's resolution of her petition.

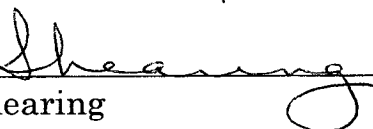
A writ of mandamus is a proper remedy to compel performance of a judicial act required by law as a duty resulting from office.¹ A writ of prohibition, on the other hand, "is a proper remedy to restrain a district judge from exercising a judicial function without or in

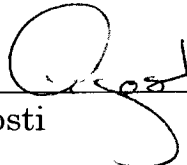
¹Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991); NRS 34.160.

excess of its jurisdiction.”² Here, the district court dismissed the underlying appeal based on its conclusion that the challenged justice’s court order was not appealable. Having reviewed JCRCP 72A³ and the justice’s court’s March 11, 2005 order, we conclude that the district court correctly determined that the challenged order was not appealable. Accordingly, this court’s intervention by way of extraordinary relief is not appropriate and we

ORDER the petition DENIED.⁴


_____, C.J.
Becker


_____, Sr. J.
Shearing


_____, Sr. J.
Agosti

cc: Hon. Robert W. Lane, District Judge
Robert A. Massi, Ltd.
Nye County District Attorney/Pahrump
Nye County Clerk

²Smith, 107 Nev. at 677, 818 P.2d at 851; NRS 34.320.

³The underlying appeal was filed and dismissed before the amendments to the JCRCP took effect on July 1, 2005, thus the previous version of JCRCP 72A applies to this case.

⁴NRAP 21(b); Smith 107 Nev. at 674, 818 P.2d at 849; NRS 34.160; NRS 34.320. In light of this order, we deny as moot petitioner’s request for a stay and petitioner’s motion to expedite.