

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEONARD GELZAINES,  
Petitioner,


vs.

JUSTICE COURT OF PAHRUMP  
TOWNSHIP, IN AND FOR THE  
COUNTY OF NYE, AND THE  
HONORABLE TINA BRISEBILL; AND  
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. 49080

**FILED**

APR 06 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges an order of the district court granting the State's motion to dismiss an appeal from a misdemeanor conviction in the justice court. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge. Petitioner also requests this court to stay the execution of the sentence imposed by the justice court.

The district court dismissed petitioner's appeal because petitioner did not perfect the appeal by applying to have it set for a hearing within 60 days after filing the notice of appeal. See NRS

189.065(1); Thompson v. District Court, 100 Nev. 352, 683 P.2d 17 (1984)<sup>1</sup>; Plankinton v. District Court, 93 Nev. 643, 572 P.2d 525 (1977). Having reviewed the petition and the appended documentation, we conclude that petitioner has failed to demonstrate that this court's intervention by way of extraordinary writ is warranted. Accordingly, we deny the petition. Further, we deny petitioner's request for a stay.

It is so ORDERED.

Parraguirre, J.  
Parraguirre

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

cc: Hon. Robert W. Lane, District Judge  
Albright Stoddard Warnick & Albright  
Attorney General Catherine Cortez Masto/Carson City  
Nye County District Attorney/Pahrump  
Nye County Clerk

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<sup>1</sup>We note that under the holding in Thompson the appellant need only apply to the district court to set the matter for a hearing within the sixty day period.