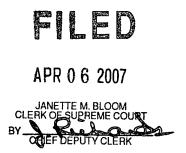
IN THE SUPREME COURT OF THE STATE OF NEVADA

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



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. <u>See</u> NRS

SUPREME COURT OF NEVADA 189.065(1); <u>Thompson v. District Court</u>, 100 Nev. 352, 683 P.2d 17 (1984)¹; <u>Plankinton v. District Court</u>, 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.

J. Parraguirre

J. Hardesty

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

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

SUPREME COURT OF NEVADA