

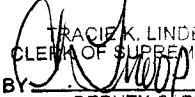
IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANN WIESNER,
Petitioner,
vs.
DANIEL WIESNER,
Respondent.

No. 54181

FILED

SEP 02 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR EXTRAORDINARY RELIEF

This is an original proper person “Criminal Complaint” and “Motion of Fraud” alleging that various felonies were committed against “children and caretakers” involved in custody proceedings in Chief Judge T. Arthur Ritchie, Jr.’s courtroom in the Eighth Judicial District Family Court. Because the complaint and motion seek “emergency relief” in the form of “two hours of oral testimony and discovery to determine what corrupted electronic and video information” exists that would demonstrate that Judge Ritchie and other judges and justices in the State of Nevada committed “errors and perjury,” we construe this matter as an original petition for extraordinary writ relief.

According to petitioner, DeAnn Wiesner, extraordinary relief is appropriate because certain actions and rulings that occurred during the course of her divorce case, and in other matters in the family court to which she was not a party, were based on either “fraud” or “perjury” by Judge Ritchie or other state judges, justices, and court administrators. She asserts that, as a result, children have been placed with “felons who committed wrongful deaths, abuse and neglect against the children.” Ms. Wiesner contends that based on Judge Ritchie’s custodial determinations, the death rate of children in “Judge Ritchie’s jurisdiction” is six times higher than it was six months ago.

A writ of mandamus may issue to compel a government body to perform a legally mandated act. See NRS 34.160. As the petitioner,

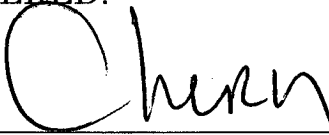
Ms. Wiesner has the burden of demonstrating that such extraordinary writ relief is warranted, and she must provide this court with a statement of the facts necessary to understand all of the issues raised and attach to her petition all documents necessary for this court to render its decision. NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004) (noting that this court's review in a writ proceeding is limited to the petition and accompanying documents and, therefore, if essential information is not provided, there is no way to properly evaluate the petition). Extraordinary relief is properly granted only when there is no plain, adequate, and speedy legal remedy. See NRS 34.170. The decision whether to entertain a petition for extraordinary writ relief is addressed to our sole discretion. See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

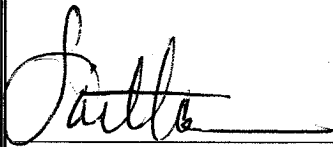
We decline to exercise our discretion to consider this petition for several reasons. First, Ms. Wiesner's factual assertions do not provide this court with a sufficient understanding of the factual and legal issues involved, and moreover, she has failed to attach any documents to support her blanket allegations of felony crimes and other wrongdoing. See NRAP 21(a); Pan, 120 Nev. at 228-29, 88 P.3d at 844.¹ Second, to the extent that Ms. Wiesner's concerns stem from the custody decision rendered in her

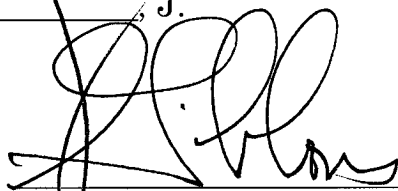
¹Attached to Ms. Wiesner's petition is a case report listing the various actions to which she was a party in the Eighth Judicial District Court, a copy of an order granting a temporary protection order against respondent Daniel Wiesner, a copy of portions of a "Report of Data Analysis, Findings, and Recommendations" in an administrative case review project written by a child welfare consultant and presented to Clark County legal counsel, a copy of a letter written to the director of the Nevada Department of Health and Human Services, addressing concerns with the family services program in Clark County, and three copies of hearing notices in temporary protection order matters.

divorce, she appealed therefrom, and this court affirmed the decision.² Thus, she had an adequate legal remedy, which she exercised and which precludes writ relief. Pan, 120 Nev. at 224, 88 P.3d at 840-41. Finally, Ms. Wiesner has not paid the \$250 filing fee and her failure to do so or to seek leave to waive the fee provides us with an independent basis on which to dismiss her petition. See NRAP 21(e). Accordingly, we deny the petition for extraordinary relief and the "Motion of Fraud."

It is so ORDERED.³


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

²See Wiesner v. Wiesner, Docket No. 50310 (Order of Affirmance, June 4, 2009).

³In addition to the petition for extraordinary relief and the "Motion of Fraud," this court received from Ms. Wiesner a "Motion to Challenge Due to Department H Errors Resulting in Repeated Domestic Violence," and an ex parte motion for an order shortening time, requesting that the matter be decided on an emergency basis. The clerk of this court is directed to file the two motions, both provisionally received in this court on August 21, 2009. In the "Motion to Challenge," Ms. Wiesner asks this court for a new venue to pursue parental and property rights against respondent and criminal complaints against Department H, and for an order directing respondent to produce domestic violence counseling records. Attached to the motion are four email messages from Ms. Wiesner to respondent, his attorney, and a Las Vegas law enforcement officer, in which she expresses concern about child abuse. Having considered the motion to challenge, we deny any request for relief requested therein. We also deny as moot the motion for an order shortening time.

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division
DeAnn Wiesner
Daniel Wiesner
Eighth District Court Clerk