

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL RECKTENWALD, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35529

FILED

MAY 10 2002

ORDER OF AFFIRMANCE

JANETIE M. BLUM
CLERK OF SUPREME COURT
BY: *J. Richards*
CHIEF DEPUTY CLERK

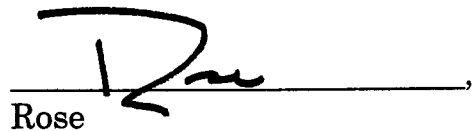
This is a proper person appeal from a district court order denying appellant Paul Recktenwald's motion to exonerate the bond premium he paid his bond agent, Allegheny Mutual Casualty Company. Recktenwald was taken into custody before the expiration date of his original \$50,000.00 bond when the district court, following a motion by the district attorney, increased the amount of bail to \$150,000.00. Recktenwald claims that Allegheny Mutual surrendered him to custody before the expiration of his bond, and that he is, therefore, entitled to reimbursement of his full premium pursuant to NRS 697.330. We disagree.

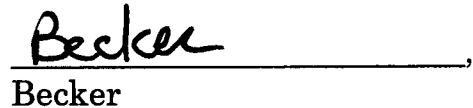
NRS 697.330 only requires the return of the bond premium when the bail agent prematurely and without good cause surrenders a defendant to custody. Although Recktenwald was taken into custody before the original expiration date of the bond, Allegheny Mutual was not responsible for his premature arrest. The district court, upon the district attorney's motion and hearing thereto, at which Recktenwald voluntarily appeared, increased Recktenwald's bond to \$150,000.00 and ordered the arrest of Recktenwald until he could satisfy that amount. The district court, not Allegheny Mutual, was responsible for termination of the

original bond and Recktenwald's return to custody before the original bond's expiration date.

We, therefore, ORDER the judgment of the district court AFFIRMED.¹

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. John P. Davis, District Judge
Paul Recktenwald, Jr.
Attorney General/Carson City
Nye County District Attorney/Tonopah
Nye County Clerk

¹Although appellant was not granted leave to file documents in proper person, see NRAP 46(b), we have received and considered appellant's proper person documents.