

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANN WIESNER, INDIVIDUALLY
AND ON BEHALF OF MINOR
WIESNER,
Petitioner,

vs.

THOMAS ARTHUR RITCHIE, JR., IN
HIS OFFICIAL CAPACITY AS EIGHTH
JUDICIAL DISTRICT COURT CHIEF
JUDGE, EIGHTH JUDICIAL DISTRICT
COURT FAMILY DIVISION
PRESIDING JUDGE, EIGHTH
JUDICIAL DISTRICT COURT FAMILY
DIVISION DEPARTMENT H JUDGE,
MEMBER OF STATE OF NEVADA
COMMISSION ON JUDICIAL
DISCIPLINE, PRESIDENT OF STATE
OF NEVADA DISTRICT COURT
JUDGES' ASSOCIATION, AND
EXECUTIVE MEMBER OF CLARK
COUNTY BAR ASSOCIATION; AND
STEVEN GRIERSON, IN HIS
OFFICIAL CAPACITY AS EIGHTH
JUDICIAL DISTRICT COURT
ADMINISTRATOR,
Respondents.

No. 60325

FILED

APR 19 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Malone*
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION


This proper person original petition for a writ of mandamus or prohibition seeks to compel respondent Eighth Judicial District Court Judge Arthur Ritchie, Jr., to retire and respondent Steven Grierson to stop destroying abuse evidence.


A writ of mandamus is available "to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station," or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Alternatively, this court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. Moreover, the decision as to whether to issue writ relief is within this court's sole discretion. See Smith, 107 Nev. at 677, 818 P.2d at 851. Petitioner bears the burden of demonstrating that extraordinary writ relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


Petitioner makes broad allegations that respondents have an improper business relationship with each other outside of their court roles and that they are responsible for the improper destruction of evidence in abuse cases. Petitioner's supporting documents do not, however, support her assertions. In particular, petitioner has submitted an order concluding that the Eighth Judicial District Court was disqualified from hearing an action filed by petitioner against respondents' wives, which apparently included allegations against respondents as well. The order disqualifies the district court based on the relationship of respondents to the lawsuit, rather than on any inappropriate business relationship between respondents. Moreover, none of petitioner's documents

demonstrate that either respondent is responsible for destroying evidence in abuse cases. Thus, as petitioner has not met her burden of demonstrating that our extraordinary intervention is warranted, see Pan, 120 Nev. at 228, 88 P.3d at 844, we deny the petition for a writ of mandamus or prohibition. See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

_____, C.J.
Saitta

_____, J.
Gibbons

_____, J.
Hardesty

cc: DeAnn Wiesner
Attorney General/Carson City