

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH G. HEPWORTH; RUSSELL
GARY CASTOR; LARRY JOE
WILLIAMS; MICHAEL DUANE KEYS;
ADOLFO BACA; AND TANYA NICOLE
CARNAHAN,
Petitioners,

vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF ELKO;
AND THE HONORABLE NANCY L.
PORTER, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 67923

FILED

JUL 21 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus or, in the alternative, a writ of review. Petitioners challenge an order of the district court denying their petition for a writ of review or, in the alternative, writ of prohibition. Petitioners request an order compelling the district court to direct the justice court to dismiss petitioners' criminal complaints for lack of jurisdiction.¹

We conclude that petitioners have not demonstrated that writ review is appropriate because petitioners have a plain, speedy, and

¹It is improper to seek dismissal of misdemeanor criminal complaints of unnamed defendants.


15-22092


adequate remedy at law by way of an appeal from the district court's denial of their petition. See NRS 34.120 (authorizing an appeal to this court from an order of the district court resolving a petition for a writ of review); NRS 34.170 (stating that mandamus will issue "where there is not a plain, speedy and adequate remedy in the ordinary course of law"); see also NRAP 3A(b)(1).

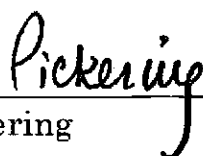
Moreover, we have "stated that the inquiry upon a petition for a writ of certiorari [writ of review] is limited to whether the inferior tribunal acted in excess of its jurisdiction," and "[i]f it is determined that the act complained of was within the jurisdiction of the tribunal, our inquiry stops even if the decision or order was incorrect." *Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980). Here, the district court acted within its jurisdiction by considering the petition for a writ of review or, in the alternative, writ of prohibition. See Nev. Const. art. 6, § 6. Therefore, we may not inquire into the correctness of the district court's action upon a petition for a writ of review.

Accordingly, we

ORDER the petition DENIED.


_____ J.

Saitta

_____ J.
Gibbons


_____ J.
Pickering

cc: Hon. Nancy L. Porter, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk