

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BLACK DIAMOND INSURANCE
COMPANY; AND SWIFT BAIL BONDS,
INC.,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,
Respondents,
and
CLARK COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,
Real Party in Interest.

No. 77141-COA

FILED

JUN 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges the district court's forfeiture of a bail bond to real party in interest Clark County.

Petitioners Black Diamond Insurance Company and Swift Bail Bonds, Inc. (Swift), issued a \$20,000 bail bond on a defendant's behalf for a class B felony.¹ While the defendant was released on bail he violated a condition of release, and the State moved for revocation of bail. Additionally, the State filed a notice of intent to punish the defendant as a habitual offender. After the defendant failed to appear for his revocation hearing, the district court filed a notice of intent to forfeit Swift's bond and timely served Swift with notice of the action. The district court granted Swift's motion for an extension of time on the bond, but, ultimately, Swift was unable to


¹We do not recount the facts except as necessary to our disposition.

surrender the defendant in the allotted time, resulting in the bond's forfeiture. The district court considered, but denied, Swift's reconsideration motion and reduced the forfeiture to judgment.²

Having considered all of the arguments in the petition and answer thereto, as well as the appendix, we conclude that petitioners have not met their burden of demonstrating that extraordinary writ relief is warranted in this matter. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (explaining that petitioners bear the burden of demonstrating that such extraordinary relief is warranted); see *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (“[T]he issuance of a writ of mandamus or prohibition is purely discretionary with this court.”). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Morris Law Center
Clark County District Attorney
Eighth District Court Clerk

²We note that Swift failed to exhaust its statutory remedies in this matter. Approximately one month after the notice of the order of judgment was entered, a bail agent surrendered the defendant into custody. Swift, however, did not move the district court for relief and invoke NRS 178.512(1)(a)(1), which allows a district court to set a bond forfeiture aside if the defendant appears post forfeiture, the surety presents a sufficient excuse for the defendant's absence, and if justice does not require the forfeiture to be enforced.