

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DAMON RIPPO,  
Petitioner,

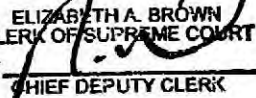
vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK;  
AND THE HONORABLE MICHELLE  
LEAVITT, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 82273

FILED

FEB 16 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER DENYING PETITION*

This pro se original petition seeks a writ of mandamus directing the respondent district court to transmit the judgment of conviction entered on October 27, 2020, in district court case number 92C106784 to the Director of the Department of Corrections. Having reviewed the petition, we are not convinced that our intervention is warranted at this time for two reasons.

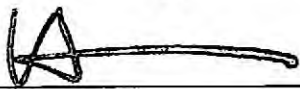
First, the respondents do not have a legal duty to transmit the judgment of conviction to the Director, *cf.* NRS 176.325-.335 (addressing transmission of judgment of conviction), and therefore cannot be compelled to do so through a writ of mandamus. *See* NRS 34.160 (stating that a writ of mandamus may issue “to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station”); *Walker v. Second Judicial Dist. Court*, 136 Nev., Adv. Op. 80 at 3-4 (Dec. 10, 2020) (discussing scope of this court’s original jurisdiction to issue writs of mandamus and requirement “that the act which is to be enforced by the mandate is that which it is the plain legal duty of the respondent to

perform” (quoting Thomas Carl Spelling, *A Treatise on Injunctions and Other Extraordinary Remedies* 1173 (2d ed. 1901)). Second, this matter is better suited to relief in the district court in the first instance where the court can ascertain the relevant facts, namely petitioner’s current custody classification. *See Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (explaining that “an appellate court is not an appropriate forum in which to resolve disputed questions fact”). For these reasons, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Herndon

cc: Hon. Michelle Leavitt, District Judge  
Michael Damon Rippo  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk