

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN JOHNSTON, III,
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY, AND THE
HONORABLE MICHAEL R. GRIFFIN,
DISTRICT JUDGE; AND THE CARSON
CITY JUSTICE COURT, AND THE
HONORABLE ROBEY B. WILLIS,
JUSTICE OF THE PEACE,

Respondents,

And

COLLECTION SERVICE OF NEVADA,
Real Party in Interest.

No. 38052

FILED

APR 03 2002

WANNETTE M. BLOOM
CLERK OF SUPREME COURT
[Signature]
DEPUTY CLERK

ORDER DENYING PETITION


This is an original petition for a writ of certiorari challenging the constitutionality of NRS 123.090,¹ which holds a husband's separate property liable for a wife's necessities when there are insufficient community property assets. Because the real party in interest obtained a judgment against petitioner for a community debt, without any reference

¹NRS 123.090 provides:


If the husband neglects to make adequate provision for the support of his wife, any other person may in good faith supply her with articles necessary for her support, and recover the reasonable value thereof from the husband. The separate property of the husband is liable for the cost of such necessities if the community property of the spouses is not sufficient to satisfy such debt.

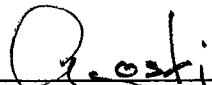
to separate property, NRS 123.090 was never implicated in this matter. Thus, having considered the petition on file herein, we are not satisfied that this court's intervention is warranted. Accordingly, we deny the petition.

It is so ORDERED.

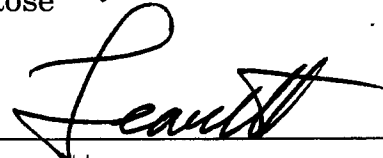

_____, C.J.
Maupin


_____, J.
Young


_____, J.
Shearing


_____, J.
Agosti


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Michael R. Griffin, District Judge
William G. Rogers
William A. Byrd
Carson City Clerk