

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GREGORY ALAN DANKOWSKI,  
Petitioner,


vs.

JUSTICE COURT OF PAHRUMP  
TOWNSHIP, COUNTY OF NYE, STATE  
OF NEVADA; THE HONORABLE KIRK  
VITTO, JUSTICE OF THE PEACE; THE  
HONORABLE MICHELE FIORE,  
JUSTICE OF THE PEACE AND THE  
HONORABLE WILLIAM GUS  
SULLIVAN, JUSTICE OF THE PEACE,  
Respondents.

No. 89785-COA

FILED

MAR 11 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION*

This is a pro se original petition for a writ of mandamus or petition to establish factual innocence. Petitioner Gregory Alan Dankowski seeks an order directing the justice court to withdraw his no contest plea based on the ineffectiveness of counsel, review the evidence before the justice court, and order the justice court to grant his motion to dismiss.

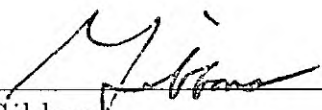
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of the law. NRS 34.170.

We have considered all the documents filed in this matter, and we are not satisfied this court's intervention by way of extraordinary writ is

warranted. See NRS 34.160; NRS 34.170; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (“Petitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted.”). Dankowski may appeal the denial of his motion to withdraw the no contest plea and the denial of the motion to dismiss to the district court. See Nev. Const. art. 6, § 6; *Waugh v. Casazza*, 85 Nev. 520, 521, 458 P.2d 359, 360 (1969) (recognizing that the district court has final appellate jurisdiction in cases arising in the justice court). Because Dankowski has a plain, speedy, and adequate legal remedy, extraordinary relief is unwarranted. To the extent Dankowski’s petition constitutes a petition to establish factual innocence, such a petition may not challenge a misdemeanor conviction, nor may it be raised in this court for the first time. See NRS 34.960(1). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Justice Court of Pahrump Township  
Hon. Kirk Vitto, Justice of the Peace  
Hon. Michele Fiore, Justice of the Peace  
Hon. William Gus Sullivan, Justice of the Peace  
Gregory Alan Dankowski  
Attorney General/Carson City