

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD JASON DEUTCH,
Petitioner,


vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE;
THE HONORABLE KIMBERLY A.
WANKER, DISTRICT JUDGE; JUSTICE
COURT OF PAHRUMP TOWNSHIP;
AND THE HONORABLE MICHELE
FIORE, JUSTICE OF THE PEACE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 89523-COA

FILED

AUG 21 2025

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

*ORDER DENYING PETITION
FOR EXTRAORDINARY RELIEF*

Richard Jason Deutch petitions this court for a writ of mandamus, prohibition, or certiorari, challenging the district court's order setting aside the Pahrump Justice Court's entry of a second amended judgment of conviction and reversing its grant of a motion for a new trial.


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 or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court. NRS 34.320; *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851

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(1991). And a petition for a writ of certiorari is limited to instances where the lower court has exceeded its jurisdiction and there is no appeal. NRS 34.020(2); *Warren v. Eighth Jud. Dist. Ct.*, 134 Nev. 649, 650, 427 P.3d 1033, 1035 (2018). Petitions for extraordinary writs are addressed to the sound discretion of this court. See *Zamarripa v. First Jud. Dist. Ct.*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987); *State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983). Petitioner bears the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004).

Based on our review of the petition, the response thereto, and the other documents before us, we conclude that petitioner has not demonstrated that our extraordinary intervention is warranted. *Id.* at 228, 88 P.3d at 844. Accordingly, we deny the petition. NRAP 21(b)(1).

It is so ORDERED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kimberly A. Wanker, District Judge
Nye County Justice Court, Department B
Aldrich Law Firm, Ltd.
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk