

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSIE NILES LAWRIMORE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE LISA
BROWN, DISTRICT JUDGE, FAMILY
COURT DIVISION,

Respondents,

and

SHARON K. PRATT,
Real Party in Interest.

No. 41175

FILED

APR 04 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order directing petitioner to pay temporary spousal support in the reduced amount of \$2,000 by the eighth day of every month until a June 2, 2003 hearing, or be in contempt of court and subject to confinement.

A writ of mandamus is available to compel the district court to perform a required act,¹ or to control an arbitrary or capricious exercise of

¹NRS 34.160.

discretion,² while a writ of prohibition is available to arrest proceedings that exceed the court's jurisdiction.³ Petitions for extraordinary relief are addressed to this court's sound discretion.⁴

Based on the documents before this court, the procedural history in this matter is unclear. Under NRAP 21(a), petitioner has the burden of providing this court with a statement of facts necessary for this court's understanding of all issues raised and must also attach all documents needed for this court to render its decision. Petitioner has failed to meet his burden.

Petitioner contends that his due process rights were violated when the district court found him in contempt of court without the benefit of a hearing on the merits and an opportunity to be heard. The documents before this court suggest that a hearing was conducted on January 31, 2003. Petitioner does not explain what events precipitated the January hearing.

Attached to the petition is a district court order entered on March 3, 2003. The March order appears to memorialize the January hearing. In the March order, the district court concluded that petitioner had failed to comply with an earlier order concerning the payment of his

²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

³NRS 34.320.

⁴Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

spousal support obligation. The earlier order is not attached to the petition. The district court, in the March order, found petitioner in contempt. The court sentenced petitioner to ten days' confinement and stayed the sentence on the condition that petitioner pay his monthly spousal support obligation through June 2003, at which time a hearing on his motion to terminate his spousal support obligation would be conducted. The March order temporarily reduced petitioner's spousal support obligation from \$3,000 per month to \$2,000 per month. Petitioner insists that the district court could not find him in contempt or reduce the spousal support obligation without a proper hearing.

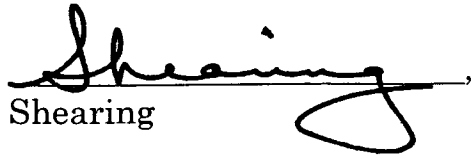
Petitioner also contends that in a subsequent proceeding before the district court, the court granted real party in interest's motion made in open court for attorney fees in the amount of \$1,000. Petitioner asserts that the district court abused its discretion in awarding the fees. Petitioner fails to attach a district court order awarding attorney fees to real party in interest or any other documentation to support this assertion.

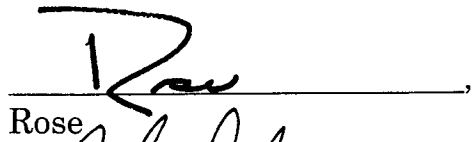
Finally, petitioner contends that he is entitled to a return of the \$4,000 bail monies he posted on March 26, 2003, in order to avoid incarceration. Again, petitioner fails to offer this court documentation to establish that the district court ordered him to tender this money to the court or to show that he complied with such an order.

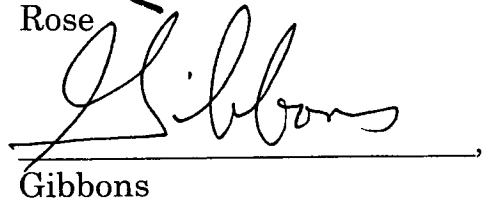
We are unable to discern, without more detailed explanation and supportive documentation, what issues, in what context, have been

presented or addressed in the district court. Petitioner has failed to comply with NRAP 21(a) and has failed to demonstrate that extraordinary relief is warranted. We therefore deny the petition.⁵

It is so ORDERED.

 J.
Shearing

 J.
Rose

 J.
Gibbons

cc: Hon. Lisa Brown, District Judge, Family Court Division
Andrew P. Jones
Carl E. Lovell Jr.
Jeffrey Ian Shaner, Ltd.
Clark County Clerk

⁵See NRAP 21(b); Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

In light of this order, we deny as moot petitioner's request for a stay.