

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID KNECHTEL-MURRAY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE N. ANTHONY
DEL VECCHIO, DISTRICT JUDGE,
FAMILY COURT DIVISION,

Respondents,

and

JOYANNA KNECHTEL-DIAZ,
Real Party in
Interest.

No. 40574

FILED

OCT 2 2002

JEANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

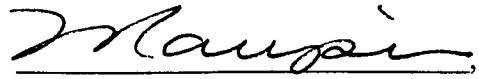
ORDER DENYING PETITION

This petition for a writ of mandamus challenges an order entered by the Eighth Judicial District Court, Family Division, directing that petitioner be extradited from the State of Ohio. Specifically, petitioner contends that the district court lacked authority to issue an extradition order and that "all actions that flowed from the void order," i.e., the issuance of a bench warrant, the arrest of petitioner, and the incarceration of petitioner based on a finding of contempt, "cannot be considered." Petitioner has additionally filed: (1) an emergency motion to stay order of incarceration; and (2) an emergency motion for release from custody pending resolution of this petition.

We have reviewed the petition, and we are not persuaded that this court's intervention by way of extraordinary writ is warranted at this time. Petitioner correctly argues that the district court was without

authority to order his extradition.¹ Nevertheless, regardless of the legality of the extradition order, petitioner has failed to demonstrate that his incarceration in Nevada pursuant to a valid bench warrant was unlawful. Accordingly, we deny this petition and the accompanying motions.

It is so ORDERED.

 J.
Maupin

 J.
Shearing

 J.
Rose

cc: Hon. N. Anthony Del Vecchio, District Judge, Family Court Division
Law Office of Marshal S. Willick, PC
Radford J. Smith
Clark County Clerk

¹We note that "the governor of this state may [d]emand that the governor of another state surrender a natural person found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee." NRS 130.801(2)(a). We are unaware, however, of any legal authority that authorizes a district judge to issue an extradition order.