

SUPREME COURT OF NEVADA

Vanhuss v. Dist. Ct. (Duecker)

No. 84702 (Nev. May 25, 2022) · No. 84702 · Decided May 25, 2022

SUMMARY

The Nevada Supreme Court denied a pro se petition for a writ of mandamus or prohibition filed by William Vanhuss on behalf of Heather Louise Wallen. The court held that Vanhuss had not demonstrated standing or authority to assert Wallen's rights, and that the petition also failed to comply with verification and appendix requirements under NRAP 21. The court therefore declined to reach the merits.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Parraguirre; Hardesty; Stiglich; Agren
JURISDICTION	Nevada
DECIDED	May 25, 2022
DOCKET	84702
DISPOSITION	writ_denied
PROCEDURAL POSTURE	A pro se petitioner sought an original writ of mandamus or prohibition on behalf of a defendant in an underlying Nevada criminal case.
STANDARD OF REVIEW	The court declined to exercise its original jurisdiction and did not reach the merits of the asserted claims.
PRECEDENTIAL VALUE	Nonprecedential unpublished order

TOPICS

- standing
- writ of certiorari
- appellate procedure
- civil procedure
- criminal procedure

PRACTICE AREAS

- appellate procedure
- civil procedure
- criminal procedure
- constitutional law
- remedies

QUESTIONS PRESENTED

1. Whether Vanhuss had standing to seek mandamus or prohibition relief on behalf of Wallen.

2. Whether the petition complied with Nevada Rule of Appellate Procedure 21's verification and appendix requirements.
3. Whether the Supreme Court of Nevada should exercise original jurisdiction over the petition.

HOLDINGS

1. Vanhuss did not demonstrate standing to petition on Wallen's behalf because he did not show that he possessed a legally cognizable interest in the underlying proceedings or that he was authorized to assert Wallen's rights.
2. The petition was procedurally deficient because Wallen did not sign the petition or accompanying affidavit, no documentation established Vanhuss's agency to file on her behalf, and the petition did not include documents essential to understanding the asserted matters.
3. The court declined to exercise its original jurisdiction because Vanhuss had not demonstrated standing to file the petition.

FACTUAL BACKGROUND

Vanhuss filed a petition purportedly on behalf of Heather Louise Wallen, a defendant in an underlying district court criminal case. He did not identify his interest in the district court proceedings, establish that he was Wallen's attorney, or explain his relationship to Wallen. Wallen did not sign the petition or accompanying affidavit, no agency documentation was filed, and the petition lacked district court orders and other documents essential to understanding the matter.

PROCEDURAL HISTORY

William Vanhuss filed a petition for a writ of mandamus or prohibition challenging alleged bias by the district court and ineffective assistance of the defendant's appointed counsel. The Supreme Court of Nevada denied the petition without reaching the merits because Vanhuss failed to demonstrate standing and failed to comply with petition-verification and appendix requirements.

DISPOSITION

writ_denied

CASES CITED

- High Noon at Arlington Ranch Homeowners Assoc. v. Eighth Judicial Dist. Court, 133 Nev. 500, 507, 402 P.3d 639, 645-46 (2017)
- Rust v. Clark Cty. Sch. Dist., 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF NEVADA WILLIAM VANHUSS, IN RE: No. 84702 HEATHER LOUISE WALLEN, Petitioner, vs. THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, FILED IN AND FOR THE COUNTY OF NYE; AND THE HONORABLE KIMBERLY A. MAY 25 2022 BRUWN WANKER, DISTRICT JUDGE, EUZABE OF S. E. COUP: Respondents, CLERK and ALEXIS M. DUECKER; AND NYE COUNTY DISTRICT ATTORNEY'S OFFICE, Real Parties in Interest.

ORDER DENYING PETITION This is a pro se petition for a writ of mandamus or prohibition. Petitioner argues that the district court acted with bias and prejudice towards Heather Louise Wallen in the underlying district court criminal case, and that Wallen's court-appointed attorney is ineffective, thus violating Wallen's constitutional rights. Petitioner William Vanhuss has filed the instant petition for a writ of mandamus or prohibition, purportedly on behalf of Heather Louise Wallen, defendant in the underlying criminal case.

Petitioner, however, does not identify his interest in the actions of the district court below, appear to be Wallen's attorney, nor does he even explain his relationship to Wallen. Therefore, petitioner has not demonstrated standing to petition on Wallen's behalf. See *High Noon at Arlington Ranch Homeowners Assoc. v. Eighth Judicial Dist. Court*, 133 Nev. 500, 507, 402 P.3d 639, 645-46 (2017) SUPREME COURT OF NEVADA (o) I 947A (Under Nevada law, an action must be commenced by the real party in interest—one who possess the right to enforce the claim and has a significant interest in the litigation.

Generally, a party has standing to assert only its own rights and cannot raise the claims of a third party not before the court." (internal citations omitted)). Furthermore, Wallen has not signed any portion of the petition or the accompanying affidavit, despite the affidavit swearing submission by Wallen, nor has any documentation that petitioner has appropriate agency to file such documents on Wallen's behalf been filed.

See NRAP 21(a)(5) (requiring petitioner verify the petition or the facts therein by affidavit). Finally, petitioner has not provided this court with documents "essential to understand the matters set forth in the petition," including any copies of orders entered by the district court. See NRAP 21(a)(4) (providing the petitioner shall submit an appendix containing all documents "essential to understand the matters set forth in the petition"); see also *Rust v. Clark Cty.*

Sch. Dist., 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) ("An oral pronouncement of judgment is not valid for any purpose...."). Therefore, without deciding the merits of the claims raised, we find that petitioner has not demonstrated standing to file the instant petition and decline to exercise our original jurisdiction in this matter. See NRAP 21(b).

Accordingly, we ORDER the petition DENIED. Parraguirre /, J.,J Hardesty Stiglich SUPREME COURT OF NEVADA 2 (o) 1947A Agren. cc: Hon. Kimberly A. Wanker, District J udge William

Vanhuss AMD Law, PLLC Nye County District Attorney Nye County Clerk SUPREME COURT
OF NEVADA 3 (U) 1947A •

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