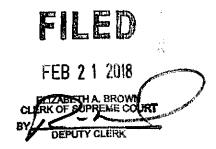# IN THE SUPREME COURT OF THE STATE OF NEVADA

MALAIKA ONYEAGOLU,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF WASHOE;
AND THE HONORABLE JEROME M.
POLAHA, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 74852

FILED

FEB 21 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DENYING PETITION

This is a petition for a writ of certiorari in which petitioner argues that the district court improperly denied her appeal from a misdemeanor conviction. We conclude that extraordinary relief is not warranted because, as the district court held, petitioner fails to demonstrate that NRS 176.059 unconstitutionally denies misdemeanor defendants due process and/or creates an appearance of bias. *See Ward v. Village of Monroeville*, 409 U.S. 57, 58-61 (1972) (determining due process was violated where revenue from the mayor's court provided a substantial portion of the municipality's funds and the mayor had wide executive powers over the funds); *Dugan v. Ohio*, 277 U.S. 61, 65 (1928) (determining no due process violation where the mayor received a salary and the mayor's salary was not dependent on whether he convicted a defendant appearing

before him, and where his relation to the fund in which the fines were deposited or financial policy of the city was too remote); *Tumey v. Ohio*, 273 U.S. 510, 523, 532 (1927) (recognizing a violation of due process where a judge has a "direct, personal, substantial pecuniary interest," and that "[e]very procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear, and true between the state and the accused denies the latter due process of law"). Accordingly, we

ORDER the petition DENIED.

_____, J.
Pickering

_____, J.
Gibbons

_____, J.
Hardesty

cc: Hon. Jerome M. Polaha, District Judge
      Thierman Buck LLP
      Attorney General/Carson City
      Washoe County District Attorney
      Washoe District Court Clerk