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Int'l Fidelity Ins. Co. v. State of Nevada, 122 Nev. Adv. Op. 5, 126 P.3d 1133
(Feb. 2, 2006)¹

PROPERTY LAW—SURETY BOND
CRIMINAL LAW—ANCILLARY BAIL BOND

Summary

The proceeding before the Court was a jurisdictional screening of eight consolidated appeals from district court orders denying motions to remit surety bonds. The Court held that it lacked jurisdiction to hear an appeal from any order entered in an ancillary bond proceeding and dismissed the appeals.

Disposition/Outcome

The Court held that it lacked jurisdiction to review appeals from an order entered in an ancillary bail bond proceeding because no statute or court rule authorized an appeal. Therefore, the Court concluded a petition for writ of mandamus is the proper mode of review for orders entered in ancillary bail bond proceedings and dismissed all of the appeals.

Factual and Procedural History

International Fidelity Insurance Company, the surety for Blackjack Bonding, appealed from a district court orders denying its motions to remit surety bonds entered in eight separate district court proceedings. The State claimed that the appeals should be dismissed because each appeal was untimely filed, and so the Court lacked jurisdiction over the appeals.

Discussion

A bail bond forfeiture action is a civil proceeding, even though it arises out of a criminal action.² So, civil rules govern appeals from bail bond proceedings because the proceeding is a civil action.

The Nevada Supreme Court may consider an appeal only when the appeal is authorized by statute or court rule.³ A statute or rule must authorize the appeal for an order entered by the district court in an ancillary bail bond proceeding to be appealable. No rule or statute authorizes an appeal from an order denying a motion to remit surety bond or any other order entered in an ancillary bond proceeding. Therefore, the orders are not appealable. A bail bondsman or a bondsman's surety should file a petition for writ of mandamus to challenge a district court order entered in a bail bond proceeding. But, if the district court's findings are supported by substantial evidence, then the district court has not abused its discretion, and a writ of mandamus will not be warranted.

¹ By Leanne Hoskins

² *State v. District Court*, 97 Nev. 34, 623 P.2d. 976 (1981).

³ *Taylor Constr. V. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984).

Conclusion

Neither orders denying motions to remit surety bonds nor any other orders entered in an ancillary bail bond proceeding are substantively appealable. Therefore, the Nevada Supreme Court lacks jurisdiction over appeals from such orders. The proper vehicle for obtaining review of an order entered in an ancillary bail bond proceeding is through an original writ petition.