

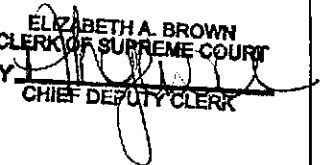
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THOMAS KNICKMEYER,
Appellant,
vs.
THE STATE OF NEVADA, ex. rel.
EIGHTH JUDICIAL DISTRICT COURT,
Respondent.

No. 71372

FILED

SEP 15 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING MOTION

Counsel for appellant has filed a motion to disqualify Judge Tao from this appeal. As cause for that motion, counsel notes only that Judge Tao served as a district court judge for the Eighth Judicial District Court during a time period when appellant was employed as a district marshal. Counsel does indicate that there is “no evidence that [Judge] Tao has any knowledge or involvement with the underlying case.” Respondent has filed an opposition to the motion. Judge Tao has also filed a response to the motion pursuant to NRAP 35(b)(2).

After considering the points raised in the motion and the responses thereto, there is insufficient cause to grant the motion. Further, in addition to Judge Tao clearly having no prior knowledge or interactions regarding the underlying case during his time as a district judge, a judge has “as great an obligation not to disqualify himself, when there is no occasion to do so, as he has to do so in the presence of valid reasons. . . . Thus, [the supreme court] has previously held that a judge has ‘a duty to preside . . . in the absence of some statute, rule of court, ethical standard, or other compelling reason to the contrary.’” *Goldman v. Bryan*, 104 Nev. 644, 649, 764 P.2d 1296, 1299 (1988), (quoting *Ham v. Dist. Ct.*, 93 Nev. 409, 566 P.2d 420 (1977), abrogated on other grounds by *Halverson v. Hardcastle*, 123

Nev. 245, 163 P.3d 428 (2007)). Accordingly, the motion to disqualify is denied.

It is so ORDERED.


_____, J.
Gibbons

cc: Kirk T. Kennedy
Attorney General/Carson City
Attorney General/Las Vegas