

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPENCER LAVERN ANDERSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57260

**FILED**

**JUL 13 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a “motion for new trial or in the alternative, a writ of mandamus.”<sup>1</sup> Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

In his motion filed on June 16, 2010, appellant claimed he received ineffective assistance of trial counsel, the jury was improperly instructed, there was insufficient evidence of his guilt, and there were errors in the criminal history presented to the district court. NRS 176.515(4) provides that a motion for a new trial based upon any grounds other than newly discovered evidence “must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.” Appellant’s motion was not based on newly discovered evidence and the motion was filed more than 14 years after the


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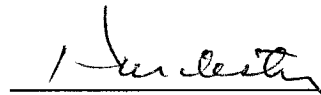
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

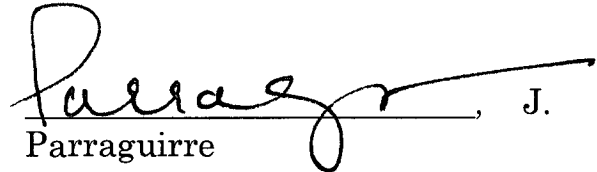
jury's verdict.<sup>2</sup> Therefore, district court did not err in denying appellant's motion for new trial.

In addition, the district court correctly denied appellant's petition for writ of mandamus. Appellant's claims were challenges to the judgment of conviction and must be raised in a post-conviction petition for a writ of habeas corpus. NRS 34.724(2)(b).<sup>3</sup> Appellant had an adequate remedy at law; therefore, he failed to demonstrate that a writ of mandamus should issue. See NRS 34.170. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>2</sup>An amended judgment of conviction was entered on October 15, 1999, which clarified that appellant had been adjudicated as a habitual criminal.

<sup>3</sup>We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.

cc: Hon. Elissa F. Cadish, District Judge  
Spencer Lavern Anderson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk